

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 10 2017

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Terry Davis Phone 208-766-3314
Mailing address 2333 West 500 South Nabl, ID. 83252 Email davissod@gmail.com

- ☐ 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 Gary T. Davis Phone 208-766-3091
Mailing address 3190 West 2000 North 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.

Gary T. Davis
Signature of Applicant or Authorized Representative

Gary T. Davis
Print Name and Title if applicable

3-6-17
Date

Terry J. Davis
Signature of Applicant or Authorized Representative

Terry J. Davis
Print Name and Title if applicable

8-14-17
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.

We just purchased 11 acres that is in between our other 2 properties.
thus allowing us to put a center pivot in for irrigation purposes

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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 ☒ ☐	15-7224	2.00	Irrigation	04/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.00 cfs and/or 337.8 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	
14S	36E	30				29									10	24	23	10.5	96.5
Total Acres (for irrigation use)																			96.5

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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:

Water will be measured through the appropriate sprinkler package and amount of pressure.

- b. Who owns the property at the point(s) of diversion? No change, n/a

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:

Pivot irrigation vs. Flood Irrigation

- 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:

N/A

- 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:

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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 rights(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:

The 11 acres that has been purchased, has previously had
flood irrigation from the Devil Creek Reservoir.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

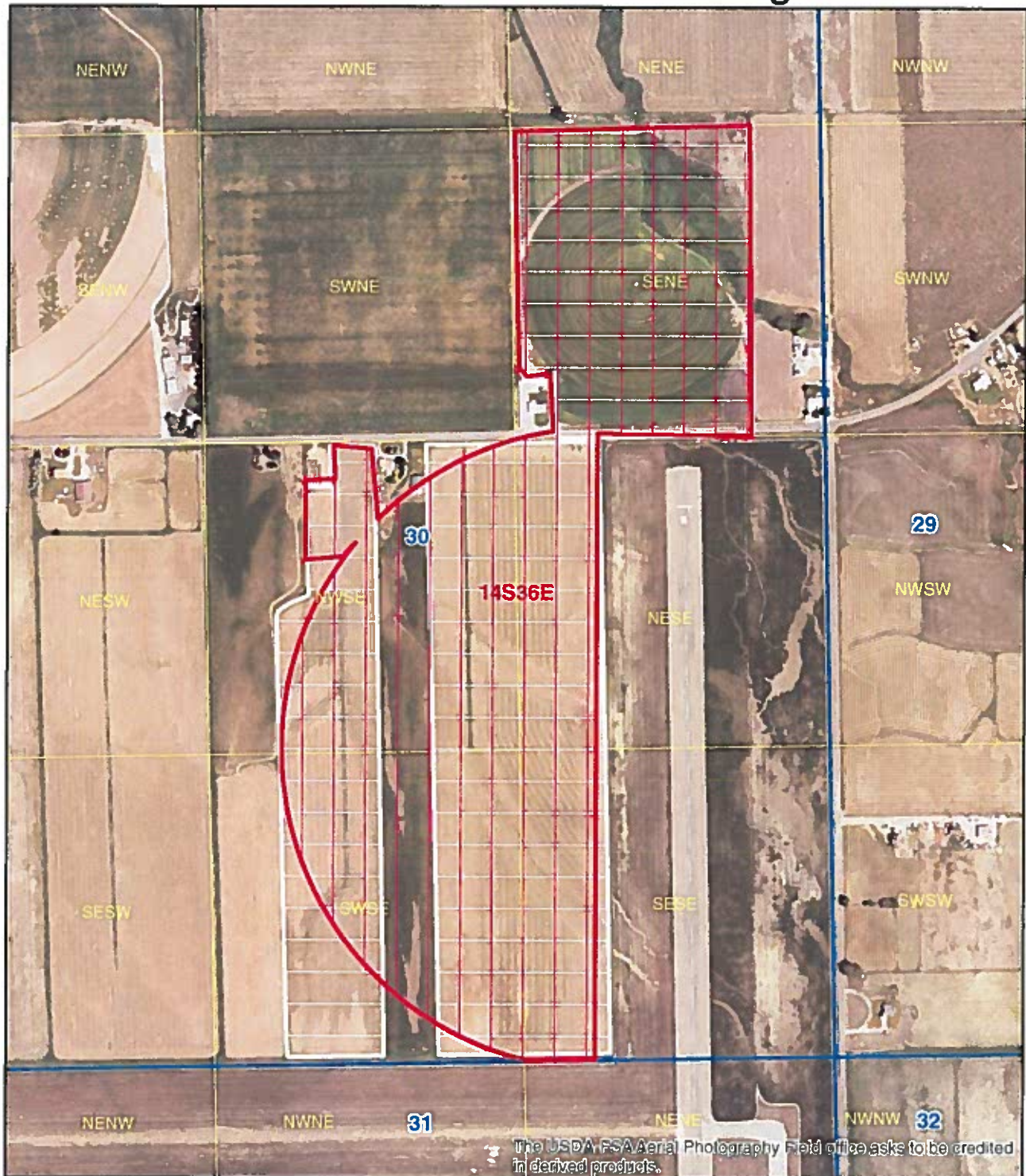
Received by _____ Date 3/10/17 Preliminary check by _____ Date _____

Fee paid 22500 Date 3/10/17 Received by SC Receipt # 0042798

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)

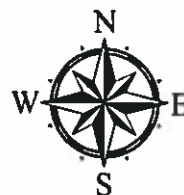
15-7224 Place of Use Change



2015 Imagery

Legend

- Pre-Transfer Place of Use
- Post-Transfer Place of Use
- Township/Range
- Sections
- QQ



0 0.1 0.2 0.4 Miles

81520

3-7-17

A Gary T. Davis want to change the
water right out of Davis Game Limited Partnership
to S.V. Game LLC.

Gary T. Davis

S.V. Game LLC

GARY T. DAVIS

SAMUEL TRACEY DAVIS

TERRY JOHN DAVIS

3/2/2017

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVIS FARMS LTD C/O GARY DAVIS 3190 W 2000 N MALAD CITY, ID 83252 (208)766-4292

Status: Active

Tributary

81520

Lease Agreement of the Davis Family Trust: Malad Idaho Assets
Dated 24 March, 2015

All assets² of the Davis Family Trust (dated 2 July, 1998) located in and in surrounding the Malad Valley area (Oneida County) are hereby leased to Terry J. Davis and Samuel Thayer Davis of Malad City, Idaho beginning April 9, 2015. This agreement is meant to be long-term, but may be annually reviewed³ for possible amendments by an official representative of the Davis Family Trust.

The following lease stipulations are in force; failure to comply with any of these bylaws will be considered "cause" to discontinue or otherwise amend this lease agreement.

Family members associated with the Davis Family Trust are authorized to freely visit/tour the trust's assets; barring any major interference to the leaseholder's everyday farming/ranching business.

- 1) The Davis Family Trust may withdraw portions of its assets from this lease agreement
 - a. During the annual renewal process of this lease.
Following the demise of Brent A Davis changes in any form to this or any future lease agreement must be unanimously approved by the beneficiaries of the Davis Family Trust and will include Claire W. Davis (co-trustee) if she is mentally perceptive
 - b. At any time if changes are based upon "cause." See section 6)
 - c. All amendments to this or any future lease must be formal (documented with appropriate signatures)
- 2) All Davis Family Trust Assets will be maintained in the best possible condition
 - a. Well established farming practices shall be employed to avoid soil erosion and maintain soil fertility
 - b. All fences, corrals and buildings may be used for normal farming/ranching activities, but shall be maintained in their prime/original conditions
 - c. All hardware and equipment shall be maintained and/or replaced according to prudent and acceptable farming/ranching standards
 - d. The Davis Family Trust's irrigation water share fees shall be paid annually by the Davis Family Trust. However, these expenditures shall be reimbursed by the leaseholder within 30-days following such payments
 - e. Regular rotation of crops on farm lands shall be practiced to maintain soil fertility
 - f. Control and extermination of all noxious weeds (e.g. Canadian Thistle & Morning Glory) shall be carefully practiced for all farming and pasture land
- 3) The Davis Family Trust Asset restrictions:
 - a. Top soil or partial top soil-harvesting activities of the land are prohibited, e.g. grass sod harvesting is prohibited on all Davis Family Trust lands
 - b. Livestock overgrazing of farming and pasture lands is prohibited

² The Davis Family assets include the following that were bequeathed to Brent A Davis following the death of Samuel J and Hannah May Davis of Malad Idaho: real estate (land, buildings/granaries, and natural resources), livestock, machinery, equipment, range rights, and irrigation water shares.

³ The annual renewal must occur before the third Wednesday of October each year. Notification by the Davis Family Trust to the leaseholder of an impending cancellation or amendments to the lease agreement must be provided in writing before that October deadline; otherwise, the present lease agreement is automatically renewed.

Approved (Initials) TD STO BD GD

Deschamps Field (RP0328708)

T-2225: Commencing at a point 24 rods and 11 feet east of the center of Section 30, Township 14 South, Range 36 East, Boise Meridian; thence running south 40 rods; west 8 rods; south 120 rods; east 16 rods and 11 feet; north 160 rods; west 8 rods and 11 feet to the place of beginning.

Also

T2989: Commencing at point 550 feet east of the center of Section 30, Township 14 South, Range 36 East, Boise Meridian; thence running east 141 feet, south 160 rods, west 141 feet, north 160 rods to the point of beginning, containing 8.46 acres, more or less.

Weston Field (RP0377400)

Township 14 South, Range 37 East, Boise Meridian;
Section 26: W $\frac{1}{2}$ SE $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$, containing 160 acres

Dan Thomas Field (RP0329604, T-3558 & RP0329603, T-3657 & RP0329602, T-3656)

T-3656: Beginning at a point which lies south of 89°13'32" east 910.88 feet and north 0°46'28" east 23.5 feet from the West Quarter of Section 30, Township 14 South, Range 36, East, Boise Meridian, said point of beginning being a point along a fence which lies on the north right of way line of Samaria Lane, and running thence north 0°05'16" east 2603.88 feet to a point along a fence; south 89°59'22" east along said fence 417 feet to a fence corner, south 0°05'16" west along said fence 2084.97 feet, north 89°13'32" west 273.36 feet, south 5°10'26" east 527.29 feet to a point along a fence which lies on said north right of way of Samaria Lane, north 89°13'32" west along said fence 192.80 feet to the point of beginning.

Also

T-3657: Beginning at a point which lies south 89°13'32" east 482.70 feet and north 0°46'28" east 23.5 feet from the West Quarter Corner of Section 30, Township 14 South, Range 36 East, Boise Meridian, said point of beginning being a point along a fence line which lies on the north right of way line of Samaria Lane; and running thence north 2598.17 feet to a point along a fence, south 89°59'22" east along said fence 432.13 feet, south 0°05'16" west along said fence 2603.88 feet to a point along a fence which lies on the north right of way line of Samaria Lane, north 89°13'32" west 428.18 feet to the point of beginning

Also

T3658: Beginning at a point which lies south 89°13'32" east 29.5 feet and north 0°46'28" east 23.5 feet from the West Quarter of Section 30, Township 14 South, Range 36 East, Boise Meridian, said point of beginning being a fence corner, south 89°59'22" east 453.16 feet to a fence, south 2598.17 feet to a point along a fence which lies on the north right of way line of Samaria Lane, thence north 89°13'32" west along said north right of way line of Samaria Lane, north 89°13'32" west along said north right of way line 453.20 feet to point of beginning.

Hansen Property -- Granaries (RP0310000, T1019)

Commencing at a point north 74° west 20 rods of a point 19 rods 9 feet south of the northeast corner of the SE $\frac{1}{4}$ of Section 18, Township 14 South, Range 36 East, Boise Meridian; thence running north 4 rods, north 74° west 6 rods, south 6 rods, south 74° east 6 rods, north 2 rods to the point of beginning.

Also

Beginning at a point 19 rods 9 feet south of the northeast corner of the SE $\frac{1}{4}$ of Section 18, Township 14 South, Range 36 East, Boise Meridian, thence north 74° west 20 rods, north 4 rods, south 74° east 20 rods, south 4 rods to the point of beginning

Also

Commencing at a point 19 rods 9 feet south of the northeast corner of the SE $\frac{1}{4}$ of Section 18, Township 14 South, Range 36 East, Boise Meridian; thence running north 74° west 330 feet, south 16.56 feet, south 76°48' east 325.83 feet to the point of beginning.

Approved (Initials) TJD STD BD GO

STATE OF UTAH
COUNTY OF UTAH

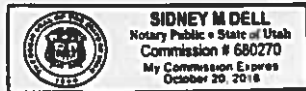
On this 22 day of April, 2015, before me, the undersigned, a Notary Public, personally appeared Brent A Davis and Claire Davis, and acknowledged to me that they have read the foregoing lease document and agree to the stipulations set forth.

Brent A Davis
Brent A Davis
Co-Trustee

22 April 15
Date

Claire Davis
Claire Davis
Co-Trustee

22 April 2015
Date



Sidney M Dell
Notary Public
Residing at Spanish Fork, Utah

STATE OF IDAHO
COUNTY OF ONEIDA

On this 9 day of April, 2015, before me, the undersigned, a Notary Public, personally appeared Brent A Davis and Claire Davis, and acknowledged to me that they have read the foregoing lease document and agree to the stipulations set forth.

Samuel J. Davis
Samuel J. Davis
Co-Leaseholder

4-9-15
Date

Samuel Tracy Davis
Samuel Tracy Davis
Co-Leaseholder

4-9-15
Date



Robert G Cronier
Notary Public
Residing at Malad, Idaho

Approved (Initials) TJD STD BD GO