42-222 POD - 09/14

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 26 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)** Richard Larsen and Peggy Larsen Phone 208-201-3706
2. **MAILING ADDRESS** PO Box 358 City Dubois
   State ID Zip 83423 Email

☐ 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)** 32-7058A and 32-7092A

☑ 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 1.888 (diversion rate) cubic feet per second and/or _____ (storage volume) acre-feet per annum.

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			SW	SE	35	10N	34E	CLARK	GROUND WATER	A0006199
N			NW	SE	2	9N	34E	CLARK	GROUND WATER	A0001814

81818

Transfer No. _____

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:
The pivot in the NE 1/4 of Section 2, T9N, R34E is primarily watered from the proposed new point of diversion in Section 35. Mainline connects the well to the pivot.

b. Who owns the property at the point(s) of diversion? S & S Agrisource Top Farms
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Existing operating practices. See Attachment #6.

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/TransferApplicationLayouts/* 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.

Richard Larsen — Signature of applicant or authorized agent
Richard Larsen — Print name and title if applicable
6-9-17 — Date

Peggy Larsen — Signature of applicant or authorized agent
Peggy Larsen — Print name and title if applicable
6-9-17 — 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 580.00 Date 6/26/2017 Receipted by SC Receipt # E043129
Preliminary review by SC Date 6/26/2017 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)

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IDAHO DEPARTMENT OF WATER RESOURCES 7/27/2017

Proof Report

Water Right 32-7058A

Owner Type	**Name and Address**
Current Owner	RICHARD LARSEN 10 KILGORE RD PO BOX 358 DUBOIS, ID 83423
Current Owner	PEGGY LARSEN 10 KILGORE RD PO BOX 358 DUBOIS, ID 83423 (208) 201-3706

Priority Date: 6/1/1987
Basis: Decreed
Status: Active

Source	**Tributary**
GROUND WATER	

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
IRRIGATION	4/01	11/01	3.215 CFS	
	Total Diversion		3.215 CFS	

Source and Point(s) of Diversion

GROUND WATER NWSE Sec. 2, Twp 09N, Rge 34E, CLARK County

Place Of Use

IRRIGATION within CLARK County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09N	34E	2	33.0 L1	33.0 L2	33.5	33.0									33.0	33.0	33.5	33.0	265.0
09N	34E	11	32.0	32.0	32.0	33.1													129.1

Right Acre Limit: 361.0

POU Total Acres: 394.1

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 32-07092A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.617 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1379.4 AF.
2. USE OF THIS RIGHT WITH RIGHT NO. 32-07092A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 394.1 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 361 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT

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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.

4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

5. RIGHT NO. 32-07092A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Comments:

1. DCARLSON 4/28/1999 COPIED FROM REMARKS
POINT OF DIVERSION IS WELL # 40 SPLIT BY T4775 PAID ON RECEIPT C001698

2. AJU10-EC 7/29/1999 AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

3. pskaggs 5/28/2002 Water Right
This water right record was updated by decree record from old RightID 101828 to new RightID 216668

4. kpickett 11/9/2005 POD
Correlated PODID 241823 from SpatialDataID 366099 to SpatialDataID 233631

5. hbohac 12/1/2014 POD
PODID 241823 correlated from SpatialDataID 366099 to SpatialDataID 366099

Dates and Other Information

Decreed Date: 10/27/2000
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 110
Mitigation Plan: False

Combined Use Limits

Rate	Volume	Acres
5.620	1,379.4	394.1

32-7058A ,32-7092A

SubCase:
N/A

Water Supply Bank:
N/A

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Proof Report

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Current Owner	PEGGY LARSEN 10 KILGORE RD PO BOX 358 DUBOIS, ID 83423 (208) 201-3706

Priority Date: 5/2/1978
Basis: Decreed
Status: Active

Source	**Tributary**
GROUND WATER	

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
IRRIGATION	4/01	11/01	2.402 CFS	
	Total Diversion		2.402 CFS	

Source and Point(s) of Diversion

GROUND WATER	NWSE	Sec. 2, Twp 09N, Rge 34E, CLARK County

Place Of Use

IRRIGATION within CLARK County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09N	34E	2	33.0 L1	33.0 L2	33.5	33.0									33.0	33.0	33.5	33.0	265.0
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3. 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.

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4. RIGHT NO. 32-07058A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

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SPLIT BY T4775 PAID ON RECEIPT C001698

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Dates and Other Information

Decreed Date: 10/27/2000
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 110
Mitigation Plan: False

Combined Use Limits

Rate	Volume	Acres
5.620	1,379.4	394.1

32-7058A ,32-7092A

SubCase:
N/A

Water Supply Bank:
N/A

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To whom it may concern:
CC: S&S AgriSource Holding LLC

S&S AgriSource Holding LLC, owner of the following water rights 32-2096B & 32-7034E, as well as the irrigation pump and point of diversion located on pivot #166 in Section 35 of township 10N range 34E and the NESWSE quarter quarter in Monteview, Idaho. Agrees to transfer from said location to Richard & Peggy Larsen 8.0 acres of water to the irrigation pump and point of diversion located on pivot #224 in Section 30 of township 09N range 36E and the SWSWNE quarter quarter. S&S AgriSource Holding LLC at the time of purchase, bought the 119.5 irrigated acres in pivot #166. As the original 127.5 irrigated acres was reduced by the necessary 8.0 acres prior to the sale to S&S AgriSource Holding LLC.

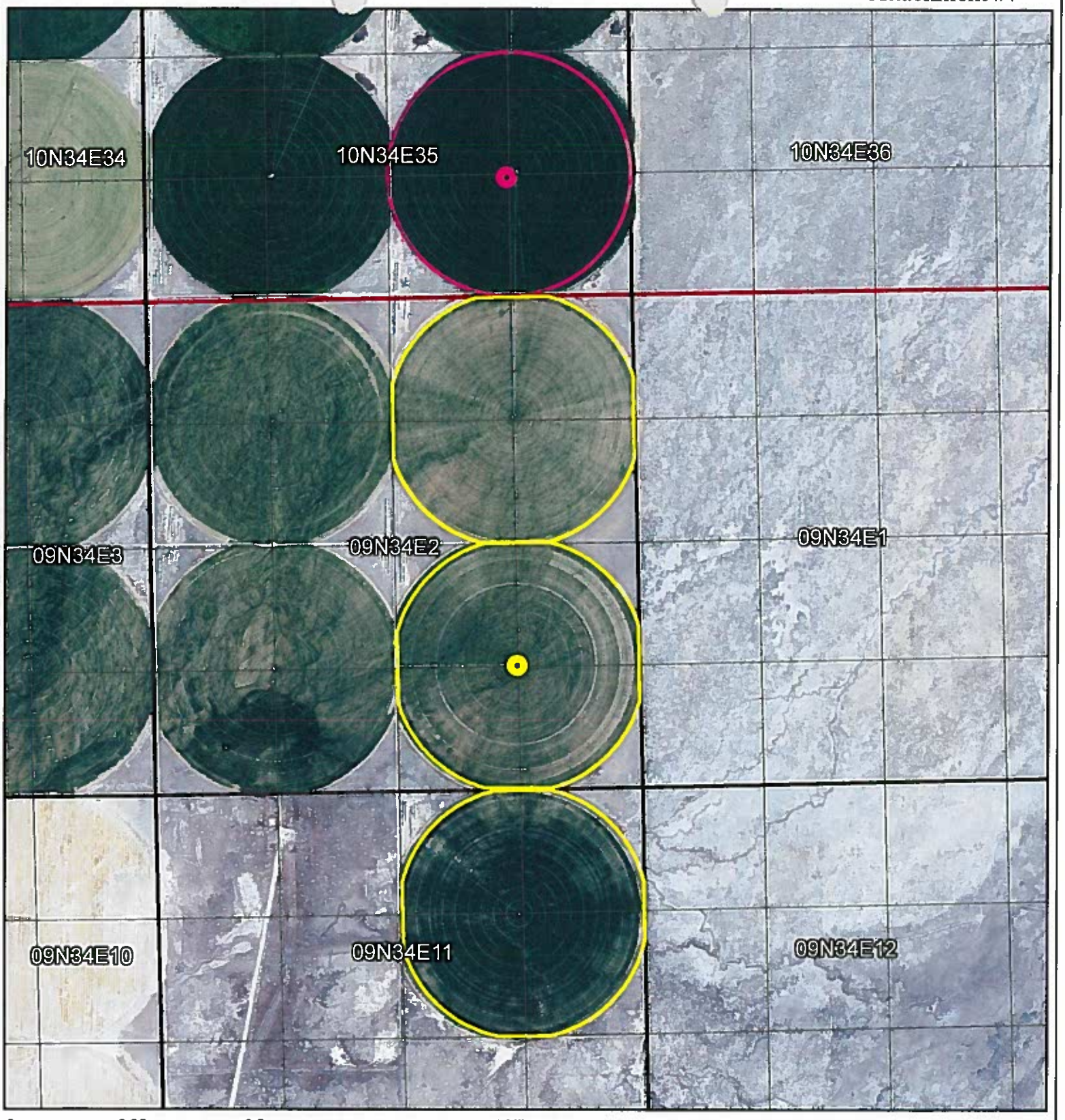
S&S AgriSource Holding LLC also agrees to allow Richard and Peggy Larsen to transfer the necessary amount of water from pivot #168 owned by Richard & Peggy Larsen to the irrigation pump and point of diversion located on pivot #166 in Section 35 of township 10N range 34E and the NESWSE quarter quarter, required to fill water right on pivot #167, which shares the pump owned by S&S AgriSource Holding LLC.
S&S AgriSource Holding LLC also grants Richard and Peggy Larsen all necessary access to the irrigation pump and point of diversion located on pivot #166 in Section 35 of township 10N range 34E and the NESWSE quarter quarter for the purpose of operating and properly maintaining pivot #167, which shares said pump.

Sincerely,
Richard Larsen

Authorized by: _____
S & S AgriSource Holding, LLC
Company Title: CEO
Date: 6-8-17

Prepared by Mitch Tarpley
Maintenance Supervisor
of Richard and Chad Larsen Farms

Attachment #7



0 0.25 0.5 1 Miles

2015 Aerial Photography

Legend

- Proposed New POD
- Existing POD
- WR POU 32-7058A & 32-7092
- WR POU 32-2096B and 32-7034A
- Twp & Rng
- Section
- QQ

N W E S

81818

Application for Transfer - POD

Richard & Peggy Larsen

RMEA #17-0030

by: KM

June 26, 2017

Rocky Mountain ENVIRONMENTAL ASSOCIATES, INC.