

RECEIVED

JUN 08 2017

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 81737WATER RESOURCES
WESTERN REGIONMINIMUM 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) J. Terry FieldCheck 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: Water lease copy - to be amended
Copy of both Water License Rights and Map taken off
Idaho web site.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) J. Terry Field Phone 208-834-7263
Mailing address P.O. Box 217 Grand View Idaho 83624 Email field35@msn.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 _____ 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.

J. Terry Field
Signature of Applicant or Authorized Representative

J. Terry Field
Print Name and Title if applicable

6-2-17
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**.

Filing a transfer place of use of 17 acres of water rights 2-2403A and 2-2176A, a portion of which is leased to the Water Bank. Need to adjust the number of water inches available to lease to Water bank from 91 to 49.
Page 2 Application filed 6-2-17 IDWR

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
☐ ☒	02-2405A	1.76	Irrigation	3-15 to 10-31	SNAKE RIVER
☐ ☒	02-02176A	2.89	Irrigation	3-15 to 10-31	SNAKE RIVER
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 4.65 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.45 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	
5S	3E	35													17				17
5S	3E	36									5	13							18
5S	4E	31														32			32
5S	4E	31															28		28
6S	4E	6	21	27			33	28											109
6S	4E	5			18	26													44

Same for both rights

Total Acres (for irrigation use) 248

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:

The water is pumped out of CJ Stike Dam into Bybee Canal. Then is pumped out of the Bybee Canal into Sprinkler System or ditch. Measuring devices are in place.

- b. Who owns the property at the point(s) of diversion? *Bybee Canal*

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

Member of Bybee Canal - water rights to use Bybee Canal

- 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:

The water to be transferred is in the Water Bank - land not irrigated so no effect to land

- 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:
- _____
- _____

- 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:

A portion of the two water rights have been leased to the Water Supply Bank since 2015. Need to adjust and amend the lease from 91 acres to 49 acres

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the Part 2B form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 2-2405A & 2-2176A

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 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:

[The page contains faint horizontal lines, suggesting it was part of a lined notebook or document.]

FOR DEPARTMENT USE ONLY

Transfer contains 1 6 pages and 6 attachments.

Received by CS Date 6/8/17 Preliminary check by _____ Date _____

Fee paid \$500⁰⁰ Date 6/8/17 Received by CD Receipt # W045361

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)

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/22/2014

WATER RIGHT NO. 2-2405A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J TERRY FIELD
Current Owner	LESLIE A FIELD
	38167 STATE HIGHWAY 78
	GRAND VIEW, ID 83624-5039
	(208)834-2263

Priority Date: 05/18/1967

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.76 CFS	855.3 AFA
Total Diversion			1.76 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER	NWSW Lt 10	Sec. 34	Township 05S	Range 04E	OWYHEE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05S	03E	36		NESW	5		NWSW	13						
	04E	31		SWSE	27		SESE	26						
06S		5		SWNE	18		SENE	26						
		6	1	NENE	21	2	NWNE	27						
			3	NENW	37	4	NWNW	48						

Total Acres: 248

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.	P21	This right is a split from former right 02-02405.
3.	E60	Right Nos. 02-02176A and 02-02405A are limited to a total combined diversion rate of 4.65 cfs and to a total combined annual diversion volume of 1116 AF.
4.	E55	Right Nos. 02-02176A and 02-02405A are limited to the irrigation of a combined total of 248 acres in a single irrigation season.
5.	F06	The following rights are diverted through point of diversion described above: 02-02083, 02-02084, 02-02176A, 02-02176B, 02-04027, 02-02271, 02-02272, 02-02405A, 02-02405B, 02-07032, 02-00063, 2-10313.
6.	E52	The rights listed below are limited to a total combined diversion rate of 14.55 cfs. Combined Right Nos.: 02-02083, 02-02084, 02-02176A, 02-02176B, 02-04027, 02-02271, 02-02272, 02-02405A, 02-02405B, 02-07032, 02-00063, 2-10313.

Dates:

Licensed Date:

Decreed Date: 06/15/2009

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: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Idaho Department of Water Resources



0 1 2 3 4 5 Miles

Claim Number: 02-02405A

Legal: T05S, R04E, S31 & S34,

T05S, R03E, S36 &

T06S, R04E, S5 & S6

Reviewed By: JLD 6/8/05

Lots 1, 2 & 3

1 6S 3E

-  Place of Use
-  Point of Diversion
-  Section Lines
-  Quarter Quarter Lines



[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

01/17/2003

WATER RIGHT NO. 2-2176A

Owner Type	Name and Address
Current Owner	J TERRY FIELD
Current Owner	LESLIE A FIELD
	HC 85 BOX 332
	GRAND VIEW, ID 83624
	(208)834-2263

Priority Date: 05/01/1962

Basis: License

Status: Active

Source	Tributary
SNAKE RIVER	COLUMBIA RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/15	10/31	2.89 CFS	
Total Diversion			2.89 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER	NWSW Lt 10	Sec. 34	Township 05S	Range 04E	OWYHEE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05S	03E	36		NESW	5		NWSW	13						
	04E	31		SWSE	27		SESE	26						
06S		5		SWNE	18		SENE	26						
		6	1	NENE	21	2	NWNE	27						
			3	NENW	37	4	NWNW	48						

Total Acres: 248

Remarks:

1. General	MAXIMUM DIVERSION UNDER THIS RIGHT WHEN COMBINED W/02-02083, 02-02084, 02-02176B, 02-04027, 02-02271, 02-02405A&B, 02-07032B AND 02-00063 SHALL NOT EXCEED 14.55 CFS. THIS RIGHT IS BASED UPON WORK CLAIMS IN CONJUNCTION WITH THE 02 ADJUDICATION IN 1980. MEMO ATTACHED TO 02-02176A MAY BE HELPFUL DURING REVIEW.
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Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

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

Idaho Department of Water Resources



0 1 2 3 4 5 Miles

Claim Number: 02-02176A

Legal: T05S, R04E, S31 & S34,

T05S, R03E, S36 &

T06S, R04E, S5 & S6

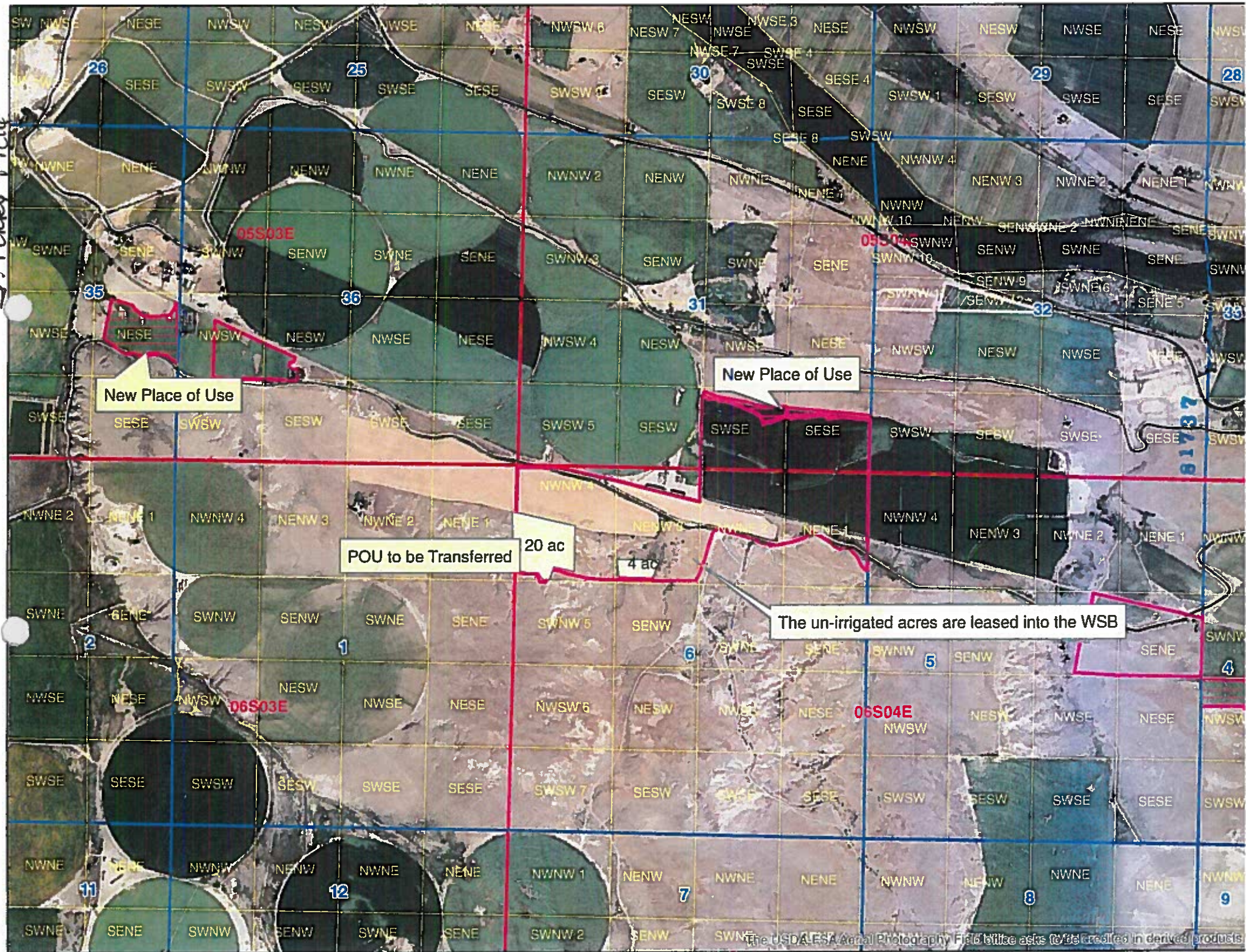
Reviewed By: JLD 6/8/05

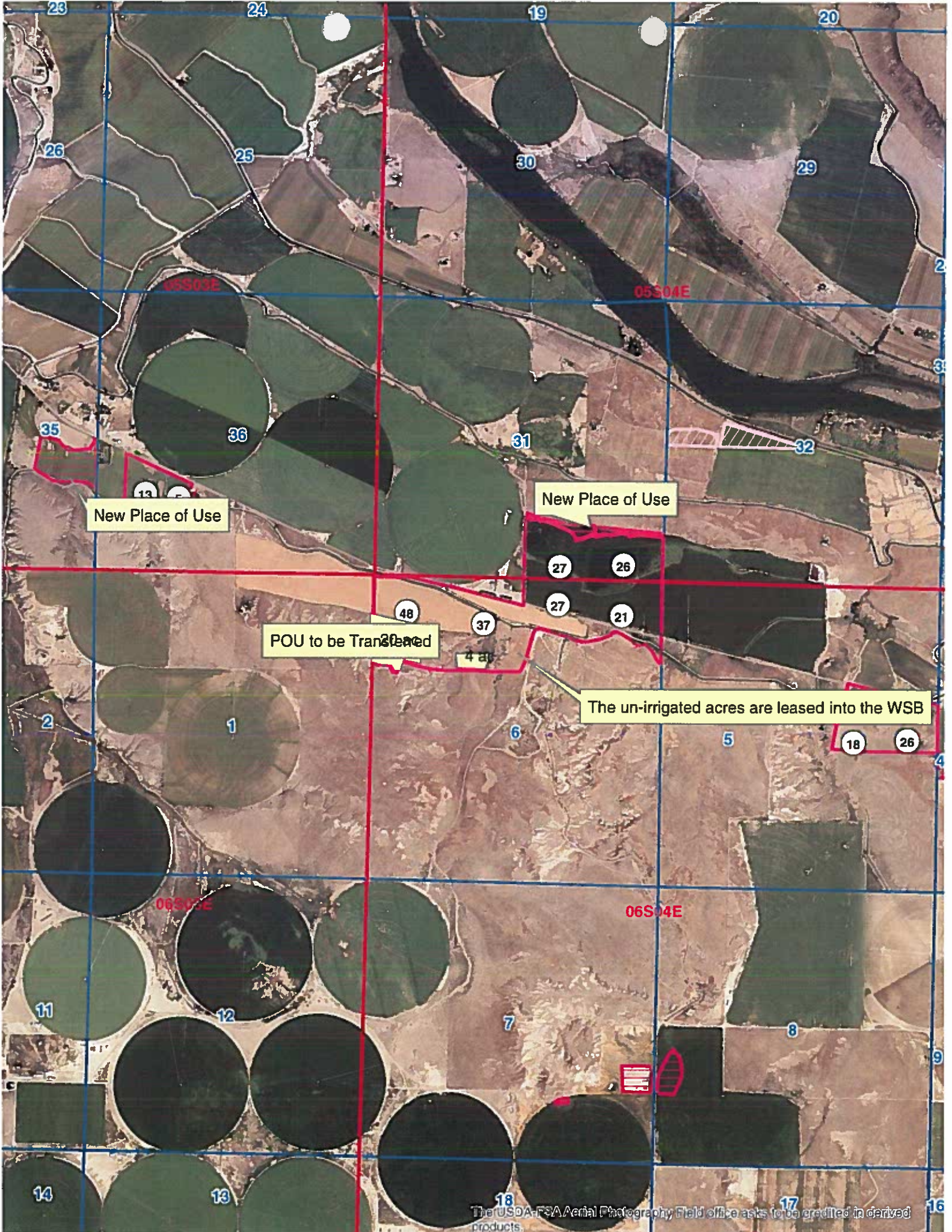
-  Place of Use
-  Point of Diversion
-  Section Lines
-  Quarter Quarter Lines



81737

J. Terry Field





New Place of Use

New Place of Use

POU to be Transferred

The un-irrigated acres are leased into the WSB

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("Lease") is effective Mar 15, 2015, between the Idaho Water Resource Board ("Board"), and

Lessor: J TERRY FIELD
38167 STATE HWY 78
GRAND VIEW ID 83624-5039
(208) 834-2263

RECEIVED

DEC 18 2014

DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

<u>Water Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
02-02176A	1.06 CFS	396.7 AF	NA	91.1 AC
02-02405A	0.65 CFS	314.2 AF	NA	91.1 AC
Combined Lease Totals:	1.71 CFS	410.0 AF	91.1 AC	91.1 AC

The water rights described herein shall be available for rental from the Bank as follows:

Authorized Period of Use under Lease: 3/1 to 11/15

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

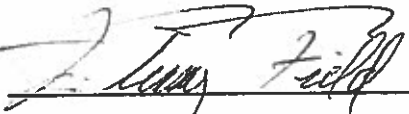
Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** This Lease shall take effect when both parties have signed it and shall continue in effect until December 31, 2019.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

5. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

J TERRY FIELD
38167 STATE HWY 78
GRAND VIEW ID 83624-5039

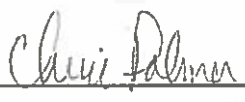
By 
Printed Name J. Terry Field

Date 12-16-14
Title OWNER

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-9098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date December 18, 2014

Lease approved by IDWR 

Date 12/18/2014

ATTACHMENT A
WATER RIGHT NO. 02-02176A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

RECEIVED

DEC 18 2014

DEPARTMENT OF
WATER RESOURCES

The water right or portion thereof leased to the bank is described as follows:

Lessor: J TERRY FIELD
38167 STATE HWY 78
GRAND VIEW ID 83624-5039
(208) 834-2263

Priority Date: 5/1/1962

Source: SNAKE RIVER

Tributary to: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	10/31	1.06 CFS	396.7 AF
	Total:		1.06 CFS	396.7 AF

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER L10(NWSW) Sec. 34, Twp 05S, Rge 04E, OWYHEE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	04E	5			12.0	24.3													38.3
06S	04E	6					29.0	25.8											54.8
							L3	L4											

Total Acres: 91.1

Limited to acres within place of use described above: NA

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
02-02176A and 02-02405A,	1.71 CFS	410.0 AF	91.1 AC	91.1 AC

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed.

6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. The following rights are diverted through point of diversion described above: 2-2083, 2-2084, 2-2176A, 2-2176B, 2-4027, 2-2271, 2-2272, 2-2405A, 2-2405B, 2-7032, 2-63, 2-10313 and 2-10503.
13. Un-leased portions of right Nos. 2-2176A and 2-2405A are limited to a total combined diversion rate of 2.94 cfs and to a total combined annual diversion volume of 706 AF.
14. Un-leased portions of right Nos. 2-2176A and 2-2405A are limited to the irrigation of a combined total of 156.9 acres in a single irrigation season.
15. Un-leased portions of right Nos. 2-2176A and 2-2405A when combined with rights 2-2083, 2-2084, 2-2176B, 2-4027, 2-2271, 2-2272, 2-2405B, 2-7032, 2-63, 2-10313 and 2-10503 shall not exceed a total diversion rate of 12.84 cfs.

ATTACHMENT A
WATER RIGHT NO. 02-02405A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water right or portion thereof leased to the bank is described as follows:

Lessor: J TERRY FIELD
 38167 STATE HWY 78
 GRAND VIEW ID 83624-5039
 (208) 834-2263

Priority Date: 5/18/1967

Source: SNAKE RIVER

Tributary to: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.60 CFS	314.3 AF
	Total:		0.60 CFS	314.3 AF

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER L10(NWSW) Sec. 34, Twp 05S, Rge 04E, OWYHEE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW			SE					Totals
			NE	NW	SW	SE	NE	NW		SE	NE	NW	SW	SE	
06S	04E	5			12.0	24.3									38.3
06S	04E	6					29.0	25.8							54.8
							L3	L4							

*no change
moving 24
acres*

Total Acres: 91.1

Limited to acres within place of use described above

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Limit</u>	<u>Total Leased Acres</u>
02-02176A and 02-02405A,	1.70 CFS	410.1 AF	91.14
			91.1 AC

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
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6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
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State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 29, 2017

J TERRY FIELD
PO BOX 217
GRAND VIEW, ID 83624

RE: Transfer No. 81737
Water Right No(s). 2-2176A, 2-2405A

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the OWYHEE AVALANCHE on 7/5/2017 and 7/12/2017. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, June 29, 2017 9:53 AM
To: 'Jennifer Stutheit'
Subject: Owyhee Legal Ad
Attachments: Owyhee Cover Letter.docx; Owyhee Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ad for publication on 7/5/2017 & 7/12/2017.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

June 29, 2017

LEGAL NOTICE DEPARTMENT
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE, ID 83628

RE: Transfer No. 81737

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 7/24/2017. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following application has been filed to appropriate the public waters of the State of Idaho:

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81737**

J TERRY FIELD, PO BOX 217, GRAND VIEW, ID 83624; has filed Application No. 81737 for changes to the following water rights within Owyhee County(s): Right No(s). 2-2176A, 2-2405A. The purpose of the transfer is to redefine 24 acres associated with the place of use affecting 0.45 cfs of water. Water will be used at the current place of use two miles west of CJ Strike Reservoir, along State Hwy 78.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed transfer(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 7/24/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/5/2017 and 7/12/2017

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, June 29, 2017 11:45 AM
To: Whitney, Rob
Subject: Application for Transfer No. 81737
Attachments: Watermaster Recommendation Form_F.pdf; Application for Transfer 81737.pdf

June 29, 2017

ROB WHITNEY
WATER DISTRICT #02
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720-0098

RE: Application for Transfer No. 81737

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. A copy of the application is enclosed with this email for your reference. Please review the application, complete the attached recommendation form, and submit your reply, if any, to this office by **July 24, 2017**.

IDWR will assume you do not object to this application if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

MEMORANDUM

TO: Transfer No. 81737
FROM: Patrick Kelly
DATE: 6/13/2017
RE: Evaluation of Application

Summary of Information Submitted

Transfer 81737 purpose is to redefine the POU for water rights 2-2176A & 2-2405A. These 2 rights are currently leased into the water supply bank from 2015 – 2019. The transfer application proposes to move 17 acres to Section 35, and reduce the WSB lease agreement from 91 to 49 acres.

Page 3 of the transfer application removes 24 acres from Sec 6 and adds these acres to Sec 31 and 35. The 2 rights authorize a total of 4.65 cfs on 248 acres. This translates to 0.01875 cfs/ac. On 24 acres, the total amount of water being "moved" is 0.45 cfs. This matches what the applicant describes in Part 1. B. (2) of page 3.

A map included in the transfer application contains measured areas that will remain irrigated. These numbers total 224 acres. This means of the 248 acre POU, 24 acres should remain in the WSB. Since the rights are not currently being rented, we can continue to process the transfer. Correspondence with the State Office will notify them of the action, and the applicant needs to work with them to replace their lease agreement.

The POU shapes for 2-2176A & 2-2405A measured 293.2 acres for a 248 acre POU. This could potentially create confusion when evaluating available acres to be placed into the WSB. POU shapes were updated to reflect accurate acre areas within legal descriptions and irrigation use.

Authority to File

The application was filed in the name of J Terry Field. Mr. Field is the current water right owner to water rights 2-2176A & 2-2405A and also was the signed the application. Available county taxlot data indicates Mr. Field owns the farm property.

Water Right Validity

The rights were decreed in 2009. Irrigation use within the current POU measures ~ 173 acres. 91.1 acres have been in the WSB since 2015. The user has fully used the rights and are not subject to forfeiture.

Overlap Analysis

The POU Overlap Comparison tool was used to identify any overlapping rights. This review discovered 2-2083 has 5 acres in the Gov Lot 1 in Sec 6. 2-2176A & 2-2405A authorizes 21 acres of irrigation within this legal description. The POU shape files makes it appear that the 5 acres under 2-2083 and 21 acres under 2-2176A & 2-2405A are the same. However, a measurement of the irrigated ground within Gov Lot 1 totals 26 acres. There are no combined use limits to limit the number of acres between the group of rights. No overlap is found at this location and the POU shapes were updated.

Other water rights with acres in similar descriptions to 2-2176A & 2-2405A are located off Field property, and do not overlap.

The NE SE QQ of Sec 35 where 17 acres are proposed to be moved to do not currently have any water rights associated with the ground.

Injury to Other Water Rights

None anticipated. Changes to irrigation practices or delivery are not being proposed, rather than to correct the irrigation use already occurring on the ground.

Enlargement of Use

Combined use limits for 2-2176A & 2-2405A pre transfer total 4.65 cfs, 1,116 af on 248 acres. The 4.65 cfs is just a sum of diversion rate on the face of both rights. This will be dropped as a conditioned limit. Volume and acre limits associated with the rights are being maintained. Changes to the point of diversion or source are not proposed.

Local Public Interest

No information has been made available to suggest a conflict with public interest.

Beneficial Use/Conservation of Water Resources

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.