

JAN 30 2017

DEPT OF WATER RESOURCES  
SOUTHERN REGION

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 81314

**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 <http://www.idwr.idaho.gov/>.

Name of Applicant(s) JAMES L WELLS AND RUTH T WELLS

**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 #1-9.**

- ☐ ☒ #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 transfer 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).
- ☐ ☒ #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 <http://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.
- ☐ ☒ #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.)
- ☐ ☒ #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 Other. Please describe: \_\_\_\_\_

JAN 30 2017

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

DEPT OF WATER RESOURCES  
SOUTHERN REGION

Name of Applicant JAMES L WELLS Phone (208)308-1950  
Mailing Address 790 E 3800 N, BUHL ID 83316 Email \_\_\_\_\_

Name of Applicant RUTH T WELLS Phone (208)308-1950  
Mailing Address 790 E 3800 N, BUHL ID 83316 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 \_\_\_\_\_ 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.

James L. Wells  
Signature of Applicant or Authorized Representative

James L. Wells OWNER 1/30/17  
Print Name and Title if applicable Date

Ruth T. Wells  
Signature of Applicant or Authorized Representative

Ruth T. Wells co-owner 1/30/17  
Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

| 1. | Right   | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----|---------|-------|-----|-----|---------|---------------|---------------|
|    | 47-7270 | No    | No  | Yes | No      | No            | No            |

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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

*I request this transfer of use to use the water on better ground and make use of a center pivot rather than handline. This will make use more efficient with less water waste and lower electricity use. I request 5 years to finish this project.*

- B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. Detailed Water Right Description(s) Attached labeled Part 1.

**Summary of Water Rights After the Approved Change**

| Transferred<br>Right (All or<br>Part) | Transfer<br>Rate | Transfer<br>Volume | Acre Limit | Total Acres | Original<br>Right<br>(Remaining<br>Portion) | Remaining<br>Rate | Remaining<br>Volume | Remaining<br>Acre Limit | Remaining<br>Total Acres |
|---------------------------------------|------------------|--------------------|------------|-------------|---------------------------------------------|-------------------|---------------------|-------------------------|--------------------------|
| 47-7270                               | 1.020 cfs        | 400.0 af           | N/A        | 100.0       |                                             | N/A               | N/A                 | N/A                     | N/A                      |
| <b>COMBINED<br/>TOTALS</b>            | 1.020 cfs        | 400.0 af           | N/A        | 100.0       |                                             | N/A               | N/A                 | N/A                     | N/A                      |

2. Total amount of water proposed to be transferred or changed 1.02 cubic feet per second and/or 400.0 acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1 Transfer Right After Requested Changes**

**Proposed Water Right No. 47-7270**

Current Water Right Owner

JAMES L WELLS  
790 E 3800 N  
BUHL, ID 83316

AND

RUTH T WELLS  
790 E 3800 N  
BUHL, ID 83316

Priority Date: 1/6/2000

Origin: Water Right

Basis: Decreed

Status Active

**Source: GROUND WATER**

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 03/15       | 11/15     | 1.020 CFS             | 400.0 AFA     |                    |
| Total Diversion       |             |           | 1.020 CFS             | 400.0 AFA     |                    |

**Source and Point(s) of Diversion:**

GROUND WATER

SESW

Sec. 12 Twp 10S Rge 13E TWIN FALLS County

**Place of Use: 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 |        |
| 10S | 13E | 12  |    |      |      |    |      |    |    |      |    |    |    | 10.6 |    |    | 23.5 |    | 34.1   |
| 10S | 13E | 13  |    | 24.2 | 10.9 |    | 19.1 |    |    | 11.7 |    |    |    |      |    |    |      |    | 65.9   |

POU Total Acres: 100.0

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

Flow Meter is in place at this time -  
Professionals will be used (Lorington Company) to place center  
of pivot and length and number of tanks.

- b. Who owns the property at the point(s) of diversion

Same Wells & Ruth Wells

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?  
No, ☐ 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: Northwest Credit - Land Mortgage

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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

NA

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- f. 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2A**

**Current Water Right No. 47-7270**

**Current Water Right Owner**

**JAMES L WELLS  
790 E 3800 N  
BUHL, ID 83316**

**AND**

**RUTH T WELLS  
790 E 3800 N  
BUHL, ID 83316**

**Priority Date: 1/6/2000**

**Origin: Water Right**

**Basis: Decreed**

**Status: Active**

**Source: GROUND WATER**

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 03/15       | 11/15     | 1.020 CFS             | 400.0 AFA     |                    |
| Total Diversion       |             |           | 1.020 CFS             | 400.0 AFA     |                    |

**Source and Point(s) of Diversion:**

**GROUND WATER**

**SESW**

**Sec. 12 Twp 10S Rge 13E TWIN FALLS County**

**Place of Use: IRRIGATION**

|     |     |     | NE |      |     |    | NW   |    |    |      | SW |    |    |      | SE |    |      |    | Totals |
|-----|-----|-----|----|------|-----|----|------|----|----|------|----|----|----|------|----|----|------|----|--------|
| Twp | Rng | Sec | NE | NW   | SW  | SE | NE   | NW | SW | SE   | NE | NW | SW | SE   | NE | NW | SW   | SE |        |
| 10S | 13E | 12  |    |      |     |    |      |    |    |      |    |    |    | 10.2 |    |    | 23.0 |    | 33.2   |
| 10S | 13E | 13  |    | 25.0 | 3.2 |    | 26.4 |    |    | 12.2 |    |    |    |      |    |    |      |    | 66.8   |

**POU Total Acres: 100.0**

**Conditions/Remarks:**

1. 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 place of use.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. *We Need 5 years to accomplish transfer*
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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.
- ☐

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

1. 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.: \_\_\_\_\_

?

FOR DEPARTMENT USE ONLY

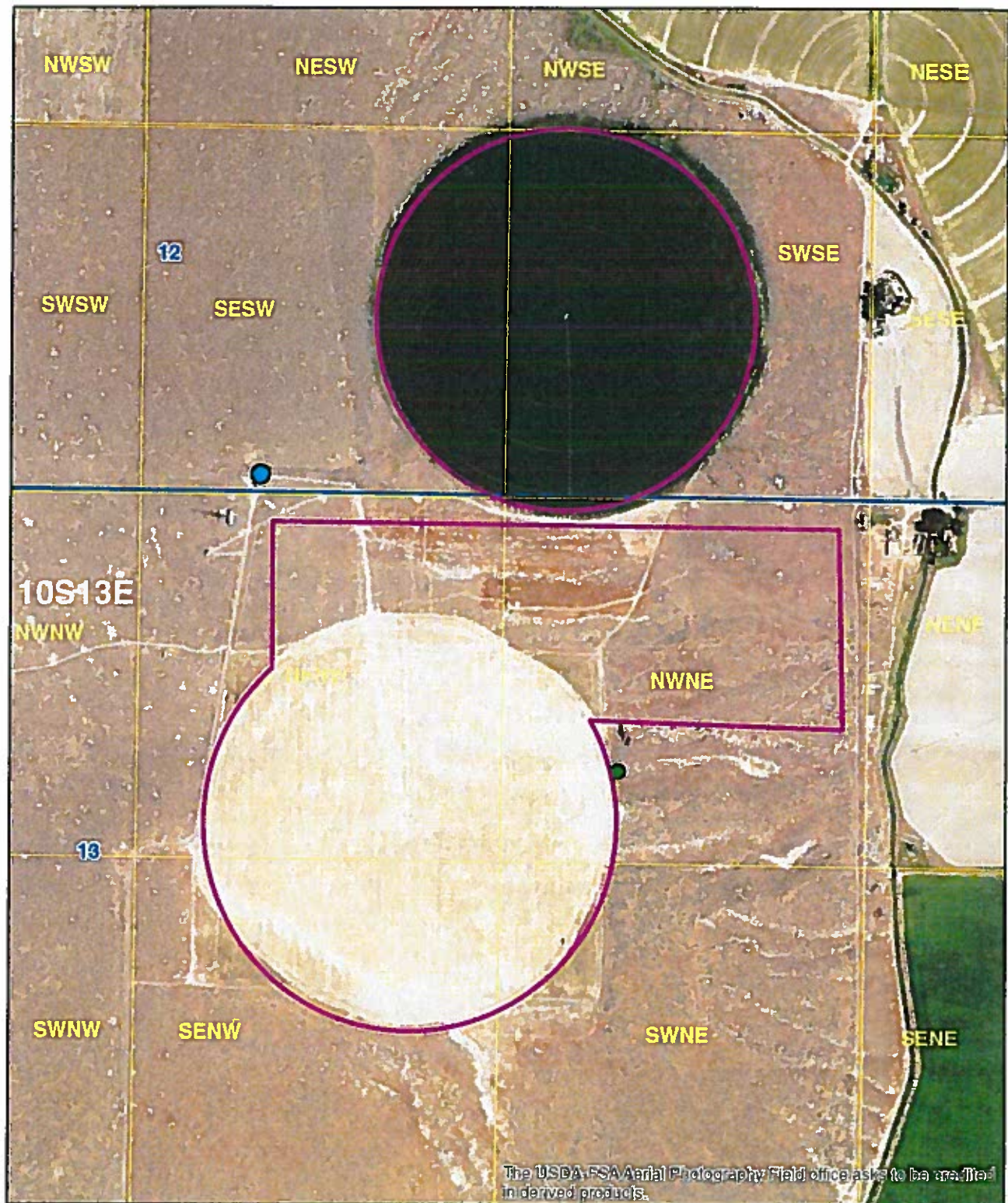
Transfer Contains 7 pages and 2 attachments.

Received By JB Date 1-30-2017 Prelim. Check By \_\_\_\_\_ Date \_\_\_\_\_

Fee Paid \$200- Date 1-30-2017 Received By DM Receipt # 5035905

Add'l Fee Paid \_\_\_\_\_ Date \_\_\_\_\_ Received By \_\_\_\_\_ Receipt # \_\_\_\_\_

# James and Ruth Wells POU Transfer Before Transfer



## Legend

Township/Range

Sections

QQ

Taxlots

● Point of Diversion

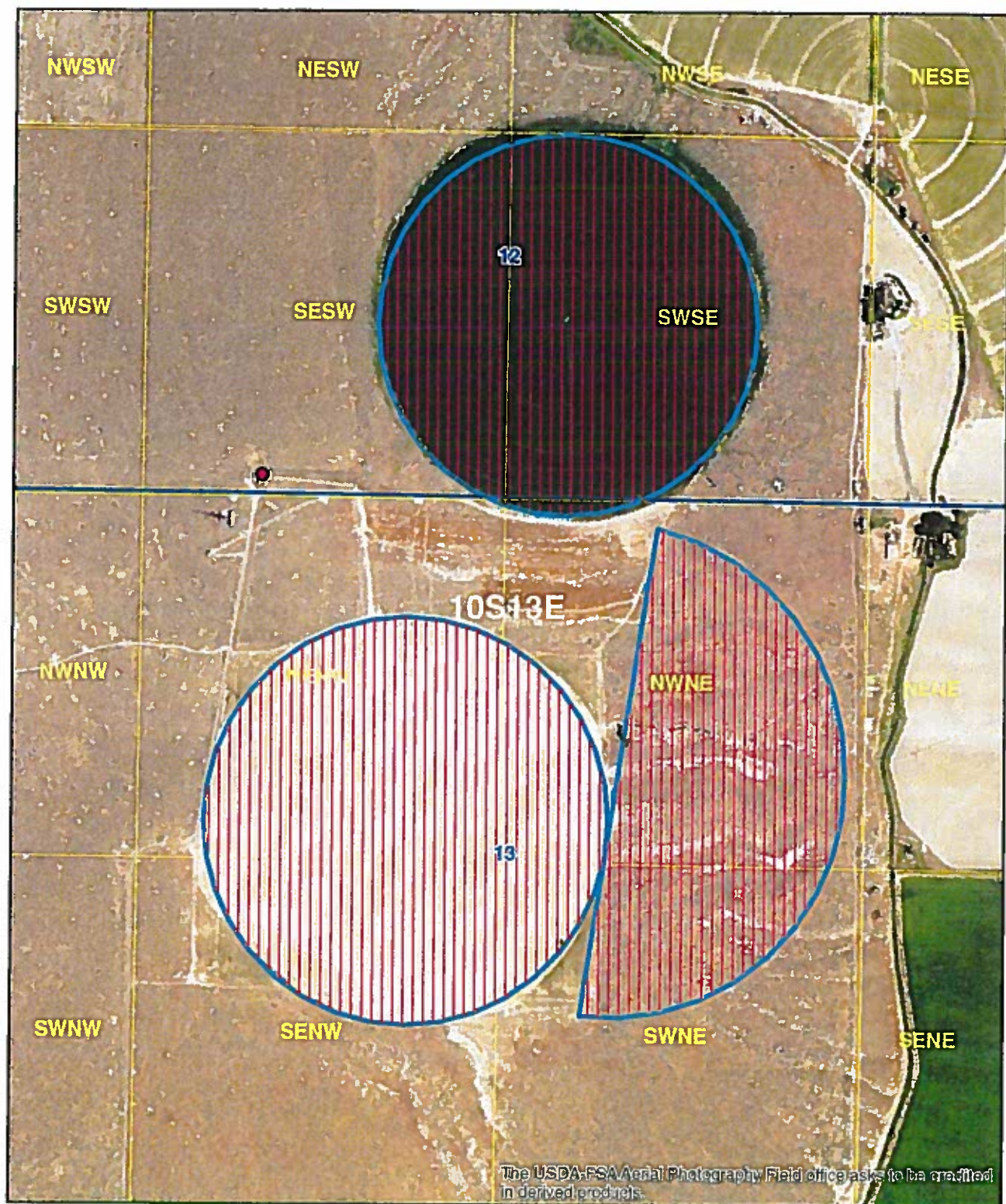
Place of Use

**TRANSFER 81314**



0 0.05 0.1 0.2 Miles

# James and Ruth Wells POU Transfer After Transfer



## Legend

- Transfer POD
- Transfer POU
- Township/Range
- Sections
- QQ
- Taxlots



0 0.05 0.1 0.2 Miles

**TRANSFER 81314**



815 N College Rd  
Twin Falls, ID 83301-3484  
Voice: 208.732.1000 Fax: 208.732.1005

RECEIVED

JAN 26 2017

DEPT OF WATER RESOURCES  
SOUTHERN REGION

January 24, 2017

Idaho Department of Water Resources  
Attn.: Jim Bitzenburg  
650 Addison Avenue West  
Suite 500  
Twin Falls, ID 83301-5858

Dear Mr. Bitzenburg:

I understand that James L. and Ruth T. Wells have requested to amend the Place of Use on Water right No. 47-7270 (Transfer No. 81314). Northwest Farm Credit Services, FLCA does have a security interest in this water right and will continue to hold that interest after the transfer. We do hereby consent to the transfer of point of use as described in the Transfer application.

If I can answer any questions or concerns, feel free to give me a call at (208)732-1033.

Sincerely,

A handwritten signature in black ink that reads "Bill Lickley". The signature is written in a cursive, flowing style.

Bill Lickley  
Relationship Manager

TRANSFER 81314

Here to Help You Grow

# MEMORANDUM

**Date:** February 7, 2017  
**To:** Transfer #81314, Jim and Ruth Wells File  
**From:** Jim Bitzenburg  
**Re:** Evaluation of Sufficiency of Information Submitted

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Application for transfer proposes to modify the place of use (POU) for ground water right 47-7270 (1.02 cfs, 100 acres) to reflect future changes in the irrigation system. The proposed place of use is located 6.2 to 6.7 miles west and 1.7 to 2.4 miles south of the intersection of Broadway Avenue and Clear Lake Road in Buhl.

The transfer should not be subject to public notice per the March 18, 2009 memo by Allen Merritt pertaining to advertising guidance.

- **Authority to File:**  
The Department's database indicates that water right 47-7270 is owned by the applicants, James and Ruth Wells. Application was signed by James and Ruth Wells. A warranty deed provided in a recent change of ownership shows the Wells to be the owners of the property which is the subject of the transfer. In addition, the Wells' completed a similar transfer for this right in the fall of 2015.
- **Water Right Validity:**  
Water right 47-7270 was decreed in June of 2010 so forfeiture may not be an issue. The right was involved in a similar change of POU transfer in the fall of 2015.
- **Injury to Other Water Rights:**  
None anticipated or foreseen.
- **Enlargement of Use:**  
None anticipated. There will be no increase in irrigated acreage.
- **Local Public Interest:**  
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**  
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**  
None Anticipated
- **Effect of the Agricultural Base of the Area:**  
None Anticipated

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

## FEE MEMORANDUM

**Date:** February 7, 2017  
**To:** Jim and Ruth Wells transfer #81314 file  
**From:** Jim Bitzenburg  
**Re:** Receipting/disposition of fees paid

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This transfer proposes changing the place of use for one ground water right, 47-7270 (1.02 cfs, 100.00 acres). The total amount of acres changing is 8.6 out of 100.00 acres, or  $0.086 \times 1.02 \text{ cfs} = 0.09 \text{ cfs}$  is changing. From the transfer fee schedule the fee is \$200.00. The correct fee was paid by Jim Wells on 1/30/2017, with check #4369, IDWR receipt #S035905.

## MEMORANDUM

**Date:** February 7, 2017  
**To:** Transfer 81314  
**From:** James Bitzenburg  
**Re:** Legal Notice Not Required

Legal Notice Not Required  
2/7/2017

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

This transfer should not be subject to public notice per the March 18, 2009 memo by Allen Merritt pertaining to advertising guidance. The change of POU is to contiguous land.