



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

January 9, 2017

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Shawn Floyd Banks
3224 Banks Rd
Bancroft ID 83217

RE: Application for Transfer 80642

Dear Applicant:

The Department has received and processed your notice of Withdrawal of Application for Transfer 80642. The application has been terminated and is no longer in effect.

If you have any questions regarding this matter, please contact the Department.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sharla Cox', written over a large, stylized blue circular mark.

Sharla Cox
Administrative Assistant

Cox, Sharla

From: Cox, Sharla
Sent: Monday, January 09, 2017 8:46 AM
To: Carlos, Rhea
Subject: Refund Please

Please refund the following:

Receipt #E041752
Amount of Refund: \$525.00
Payable to:
Banks Brothers
3224 Banks Rd
Bancroft ID 83217

Reason: Applicant withdrew his Application for Transfer #80642.

Thank you.

Sharla

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80642

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED
JAN 15 2016

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) Shawn Floyd Banks

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 #1-10.

- ☐ ☒ #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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JAN 15 2016
Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Shawn Floyd Banks Phone 208-339-2643
Mailing address 3224 Banks Road, Bancroft, ID 83217 Email banks.shawn2012@gmail

- ☐ 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.

Shawn F. Banks
Signature of Applicant or Authorized Representative

Shawn F. Banks
Print Name and Title if applicable

1/15/2016
Date

Christopher J. Banks
Signature of Applicant or Authorized Representative

Christopher J. Banks
Print Name and Title if applicable

1/15/2016
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 Update Ownership

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.

Rearrange the place of use for the irrigation acres to cover ground on the other side of Chesterfield Road.

Ground in NE1/4 & SE1/4 of Sec. 10 is owned by Chris Banks. However, ownership of the water right will remain in the name of Shawn Banks.

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
All or Part ☒ ☐	29-2410	1.16 cfs	Irrigation	4/1 to 10/31	Ground Water
☐ ☐		0.03	Stockwater	1/1 to 12/31	
☐ ☐		0.04	Domestic	1/1 to 12/31	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.16 cfs and/or 275 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.27 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	
07S	39E	10	40	20			16			2									78
Total Acres (for irrigation use)																			78

WITHDRAWN

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:

Property is not currently within a water district. Flow meter can be installed in the future if one is needed. Well to irrigated acres.

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

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: Will obtain a letter of consent from lienholder (Bank of Commerce and FSA).

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:

Water right is good for 78 acres. This transfer describes the 78 acres to be irrigated.

- 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:

None.

- 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:

WITHDRAWN

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/15/2016

Water Right 29-2410

Owner Type **Name and Address**
Current Owner WILLIAM JEAN TREASURE
2888 CHESTERFIELD RD
BANCROFT, ID 83217
(208)648-7897

Current Owner MARY ALENE TREASURE
2888 CHESTERFIELD RD
BANCROFT, ID 83217
(208)648-7897

Priority Date: 5/1/1959

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.160 CFS	273.0 AF
STOCKWATER	01/01	12/31	0.030 CFS	1.4 AF
DOMESTIC	01/01	12/31	0.040 CFS	0.6 AF
<u>Total Diversion</u>			1.160 CFS	275.0 AF

Source and Point(s) of Diversion

GROUND WATER NWNWNE Sec. 10, Twp 07S, Rge 39E, CARIBOU County

Place Of Use

IRRIGATION within CARIBOU County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	39E	10	40.0	38.0															78.0

POU Total Acres: 78.0

STOCKWATER within CARIBOU County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	39E	10		X															

DOMESTIC within CARIBOU County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	39E	10		X															

WITHDRAWN

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/15/2016

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. X02 Stockwater use is for 100 range cattle.
3. X01 Domestic use is for 1 home.

WITHDRAWN

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:

N/A

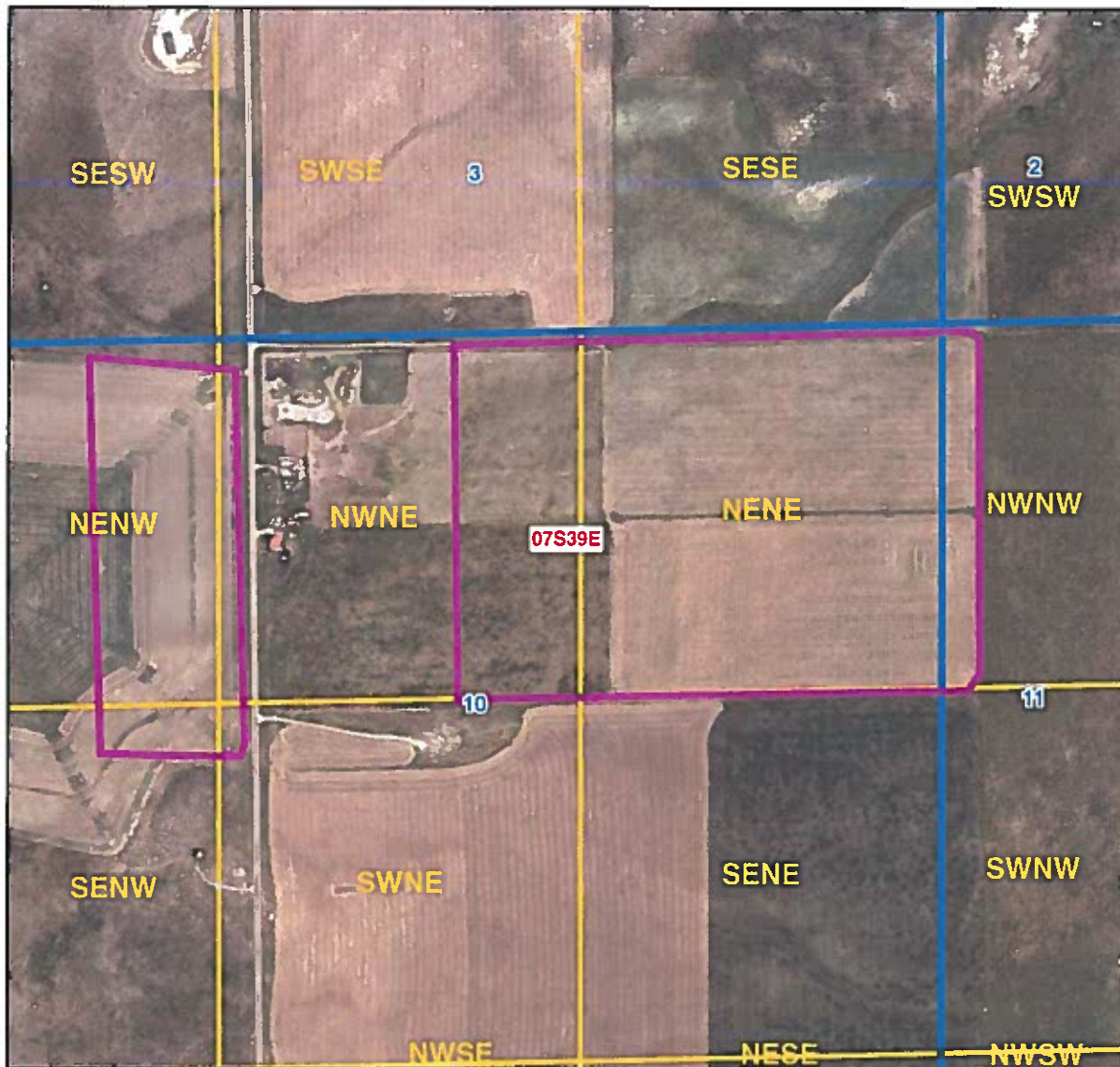
FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

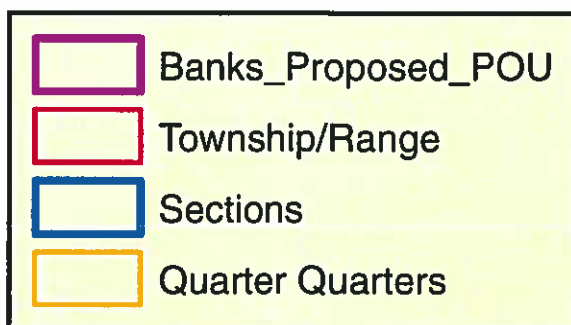
Received by _____ Date 1/15/14 Preliminary check by _____ Date _____
 Fee paid 525.00 Date 1/15/14 Received by SW Receipt # E041752
 Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Application for Transfer 29-2410 (Banks)



2013 Aerial Photo



0 500 1,000 Feet



WM. JEAN TREASURE and MARY ALENE TREASURE, husband and wife,

the grantors, of Bancroft, Idaho, do hereby grant, bargain, sell, and convey unto

KELLY CHRISTENSEN, a single man,

the Grantee, of P.O. Box 733, Soda Springs, Idaho 83276 the following described premises
in Caribou County, Idaho:

Township 7 South, Range 39 East of the Boise Meridian:

Section 10: N $\frac{1}{2}$ NE $\frac{1}{4}$.

This Warranty Deed is given to correct the legal description between the parties
hereto dated April 21, 2008 recorded May 5, 2008 under Recorder's Instrument No. 180551.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said
Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and
with the said Grantees that he is the owner in fee simple of said premises, that they are free
from all encumbrances, and he will warrant and defend the same from all lawful claims
whatsoever.

DATED: May 16, 2008

Wm Jean Treasure

WM. JEAN TREASURE

Mary Alene Treasure

MARY ALENE TREASURE

STATE OF IDAHO)
: ss.
County of Caribou)

On this 19th day of May, 2008, before me, the undersigned, a Notary Public in and
for the State of Idaho personally appeared Wm. Jean Treasure and Mary Alene Treasure,
known to me to be the persons whose names are subscribed to the within instrument and
acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first
above written.

Kena Ann Moore

NOTARY PUBLIC for the State of Idaho

Residing at: Soda Springs, Idaho

Commission expires: 7/1/2009

KENA ANN MOORE
NOTARY PUBLIC
STATE OF IDAHO

First American Title Company
241 S Main Street Suite 3
Soda Springs, ID 83276

Instrument # 195835

CARIBOU COUNTY

8-24-2015 02:38:39 PM No. of Pages: 2

Recorded for : FIRST AMERICAN TITLE

DENISE HORSLEY

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **554395SOD (ch)**

Date: **August 19, 2015**

For Value Received, **Kelly Christensen and Stephanie Christensen, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Shawn Floyd Banks, a single man**, hereinafter called the Grantee, whose current address is **3224 Banks Rd., Bancroft, ID 83217**, the following described premises, situated in **Caribou County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

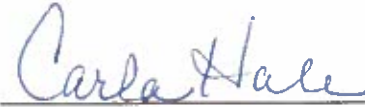

Kelly Christensen


Stephanie Christensen

STATE OF Idaho)
SS.
COUNTY OF Caribou)

On this 21st day of August, 2015, before me, a Notary Public in and for said State, personally appeared **Kelly Christensen and Stephanie Christensen**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

CARLA HALE
NOTARY PUBLIC
STATE OF IDAHO


Notary Public for the State of Idaho
Residing at: Soda Springs, Idaho
My Commission Expires: 12/12/2020

80648

EXHIBIT A

Caribou County, Idaho:

Township 7 South, Range 39 East of the Boise Meridian:

**Section 10: N $\frac{1}{2}$ NE $\frac{1}{4}$, EXCEPT THEREFROM, Beginning at the Southwest corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 10, and running
Thence North 670 feet; Thence East 690 feet;
Thence South 670 feet; Thence West 690 feet,
to the Point of Beginning.**

Holliday, Michael

From: Shawn Banks <banks.shawn2012@gmail.com>
Sent: Friday, January 06, 2017 11:37 AM
To: Holliday, Michael
Subject: Re: Water right transfer application

Michael,

Sorry I did not get you back a formal response, the last couple of weeks have been extremely busy. I would like to withdraw my application to transfer the water. The transfer request was 80642. Thank you for your help and sorry for the drawn out process. I am still going to send ownership information when I receive it from Mr. Christensen, even though we are not going to transfer the water. Thank again.

Shawn Banks

On Jan 6, 2017 11:31 AM, "Holliday, Michael" <Michael.Holliday@idwr.idaho.gov> wrote:

Hi Shawn.

On January 15, 2016, you filed application for transfer 80642 along with the filing fee of \$525. The purpose of the transfer was to update the ownership and to change the place of use of water right 29-2410. On December 22, 2016, I spoke with you over the phone about the status of the transfer application. In our conversation, you indicated that you would likely withdraw the application. If you have decided to withdraw the application, please reply to this email and we will refund your filing fee. If your desire is to forge ahead with the transfer application, please submit evidence showing ownership of the entire water right and a letter from the lien holder on their letterhead indicating consent to the transfer. If I do not receive a response from you within 30 days, I will return your application and the filing fees. Let me know if you have any concerns or questions.

Michael Holliday

Water Rights Supervisor

Phone: [208-525-7161](tel:208-525-7161)

Fax: [208-525-7177](tel:208-525-7177)