

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 07 2016

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Brown Inc Phone 351 8030

Mailing address 1110 Golden Beauty Dr Rexburg ID 83440 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.

Terry Wilcox
Signature of Applicant or Authorized Representative

Terry Wilcox
Print Name and Title if applicable

April 6 2016
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.
Rearranging the POU for 164.6 acres

Receipt- E041998

80837

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 ☒ ☐	22-7066	2.55	Irrigation	04/01 to 10/21	Ground Water
☒ ☐	22-2254	5.32	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	22-7512	0.48	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	22-13453	0.21	Irrigation	04/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 8.35 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.02 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				Acres Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	41E	1									32.0	33.0	37.0	38.0		3.0	9.4		152.4
05N	41E	2	7.9	13.0	31.0	26.0	13.0	10.0	13.0	21.0	34.0	37.0	34.0	32.0	40.0	40.0	27.0	36.0	414.9
			L1	L2			L3	L4											
05N	41E	3	11	0.2	0.2	35.0									28.0				74.4
			L1	L2															
05N	41E	11	36.0	14.0															50.0
05N	41E	12					7.7	7.5											15.2
Total Acres (for irrigation use)																			1348.9

Includes acres
from supplemental
page

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Ident. No. _____

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☐ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	41E	34			7.8	37.0					7.4			5.3	26.0	22.0	23.0	37.0	165.5
06N	41E	35	40.0		39.0	40.0			37.0	38.0	34.0	39.0	40.0	38.0	40.0	37.0	28.0	26.0	476.0

STATE OF IDAHO
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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Measuring and lockable devices installed as required.

- 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:

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:
It will be dried up.

- 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:

4/6/2016

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BROWN INC 1110 GOLDEN BEAUTY DR REXBURG, ID 83440 (208)351-8030

Status: Active

Tributary

Sec. 2, Twp 05N, Rge 41E, MADISON County
Sec. 35, Twp 06N, Rge 41E, MADISON 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
05N	41E	1			2.5			10.0 L4	28.0	8.3	38.0	38.0	38.0	38.0		8.0	10.3		218.1
05N	41E	2	13.0 L1	13.0 L2	31.0	33.0	13.0 L2	11.0 L4	15.0	25.0	38.0	37.0	39.0	37.0	38.0	38.0	35.0	38.0	454.0
05N	41E	3				4.0									38.0				40.0
05N	41E	12		5.3			17.0												22.3
06N	41E	34			10.0	38.0									29.0			39.0	116.0
06N	41E	35	39.0		39.0	39.0			38.0	38.0	38.0	39.0	40.0	37.0	40.0	38.0	38.0	38.0	497.0

POU Total Acres: 1,348.4

1. X27 This right is limited to the irrigation of 1248 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 22-2254 and 22-13453 when combined shall not exceed a total diversion rate of 5.32 cfs, a total annual maximum diversion volume of 2429.7 af at the field headgate, and the irrigation of 1297 acres.
3. X35 Rights 22-2254, 22-7512, and 22-13453 when combined shall not exceed a total diversion rate of 5.80 cfs, a total annual maximum diversion volume of 2462 af at the field headgate, and the irrigation of 1348.4 acres.

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Proof Report

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4. X35 Rights 22-7066, 22-2254, 22-13453, and 22-7512 when combined shall not exceed a total diversion rate of 8.35 cfs, a total annual maximum diversion volume of 3022 af at the field headgate, and the irrigation of 1348.4 acres.
5. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. 01M 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.
7. K01 Right No. 22-13453 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. T19 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.

Dates and Other Information

Decreed Date: 11/24/2008

State or Federal: S

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
5.320	2,429.7	1,297.0
22-2254 ,22-13453		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
5.800	2,462.0	1,348.4
22-2254 ,22-13453 ,22-7512		

SubCase:

N/A

Water Supply Bank:

N/A

4/6/2016

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BROWN INC 1110 GOLDEN BEAUTY DR REXBURG, ID 83440 (208)351-8030

Status: Active

Tributary

Sec. 35, Twp 06N, Rge 41E, MADISON County
Sec. 2, Twp 05N, Rge 41E, MADISON 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	
05N	41E	1			2.5			10.0 L4	28.0	8.3	38.0	38.0	38.0	38.0		8.0	10.3		219.1
05N	41E	2	13.0 L1	13.0 L2	31.0	33.0	13.0 L2	11.0 L4	15.0	25.0	38.0	37.0	38.0	37.0	38.0	38.0	35.0	38.0	454.0
05N	41E	3				4.0									36.0			40.0	
05N	41E	12		5.3			17.0											22.3	
06N	41E	34			10.0	38.0									29.0			39.0	116.0
06N	41E	35	39.0		39.0	39.0			38.0	38.0	36.0	39.0	40.0	37.0	40.0	38.0	38.0	36.0	497.0

PDU Total Acres: 1,348.4

1.	X27	This right is limited to the irrigation of 156 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 22-7066, 22-2254, 22-13453, and 22-7512 when combined shall not exceed a total diversion rate of 8.35 cfs, a total annual maximum diversion volume of 3022 af at the field headgate, and the irrigation of 1348.4 acres.
3.	S36	The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 21 under this remark is subordinate to all water rights having no subordinated early or

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- late irrigation use and a priority date earlier than November 24, 2008.
4. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
 5. 01M 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.
 6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 8. T19 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.

Dates and Other Information

Decreed Date: 11/24/2008

State or Federal: S

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 3.5

Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

4/6/2016

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BROWN INC 1110 GOLDEN BEAUTY DR REXBURG, ID 83440 (208)351-8030

Status: Active

Tributary

Sec. 2, Twp 05N, Rge 41E, MADISON County
Sec. 35, Twp 06N, Rge 41E, MADISON 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
05N	41E	1			2.5			10.0 L4	28.0	8.3	38.0	38.0	38.0	38.0		8.0	10.3		219.1
05N	41E	2	13.0 L1	13.0 L2	31.0	33.0	13.0 L2	11.0 L4	15.0	25.0	38.0	37.0	39.0	37.0	38.0	38.0	35.0	38.0	454.0
05N	41E	3				4.0									38.0				40.0
05N	41E	12		5.3			17.0												22.3
06N	41E	34			10.0	38.0									29.0			39.0	118.0
06N	41E	35	39.0		39.0	39.0			38.0	38.0	36.0	39.0	40.0	37.0	40.0	38.0	38.0	36.0	497.0

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4. 01M 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.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. T19 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.

Dates and Other Information

Licensed Date: 2/10/2015

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 3.5

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
5.800	2,462.0	1,348.4
22-2254 ,22-13453 ,22-7512		

SubCase:

N/A

Water Supply Bank:

N/A

4/6/2016

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BROWN INC 1110 GOLDEN BEAUTY DR REXBURG, ID 83440 (208)351-8030

Status: Active

Tributary

Sec. 2, Twp 05N, Rge 41E, MADISON County
Sec. 35, Twp 06N, Rge 41E, MADISON 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	
05N	41E	1			2.5			10.0 L4	28.0	8.3	38.0	38.0	38.0	38.0		8.0	10.3		219.1
05N	41E	2	13.0 L1	13.0 L2	31.0	33.0	13.0 L2	11.0 L4	15.0	25.0	38.0	37.0	39.0	37.0	38.0	38.0	35.0	38.0	454.0
05N	41E	3				4.0									38.0				40.0
05N	41E	12		5.3			17.0												22.3
08N	41E	34			10.0	38.0									29.0			39.0	116.0
08N	41E	35	39.0		38.0	39.0			38.0	38.0	38.0	39.0	40.0	37.0	40.0	38.0	38.0	36.0	497.0

POU Total Acres: 1.348.4

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4. X35 Rights 22-7066, 22-2254, 22-13453, and 22-7512 when combined shall not exceed a total diversion rate of 8.35 cfs, a total annual maximum diversion volume of 3022 af at the field headgate, and the irrigation of 1348.4 acres.
5. K02 This right is based upon an enlargement of Right No. 22-2254 pursuant to Section 42-1426, Idaho Code.
6. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. 01M 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.
8. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. T19 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.

Dates and Other Information

Decreed Date: 11/24/2008

Enlargement Statute Priority Date: 4/12/1994

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
5.320	2,429.7	1,297.0
22-2254 ,22-13453		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
5.800	2,462.0	1,348.4
22-2254 ,22-13453 ,22-7512		

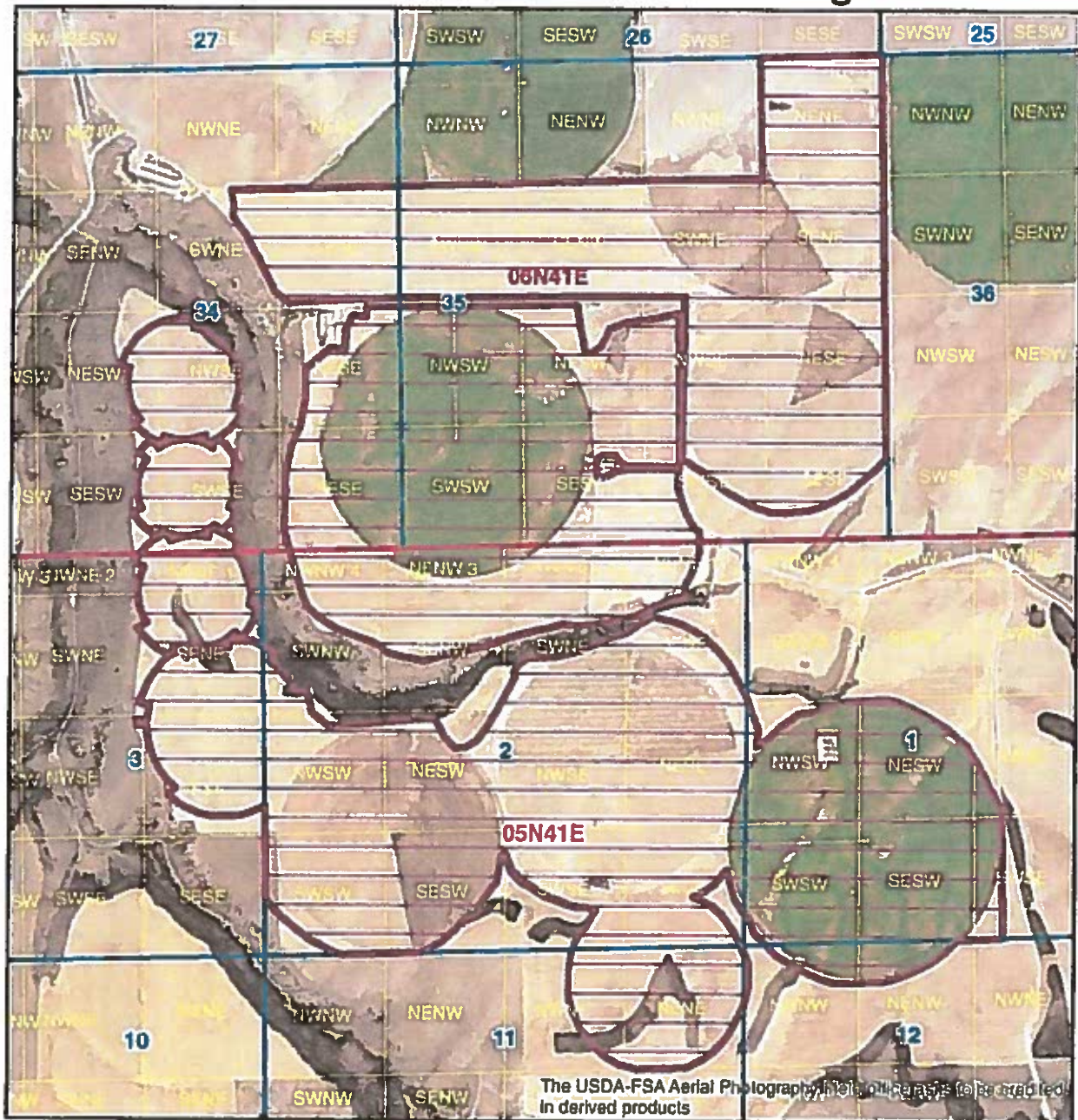
SubCase:

N/A

Water Supply Bank:

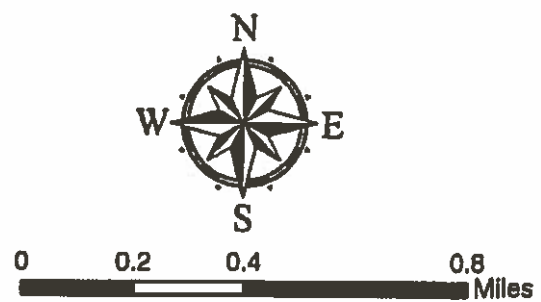
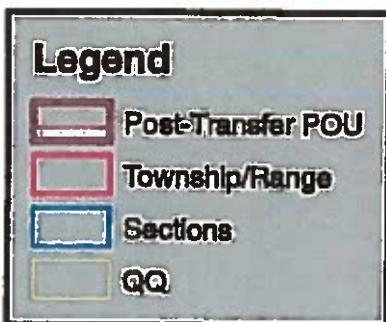
N/A

Brown Inc Place of Use Change

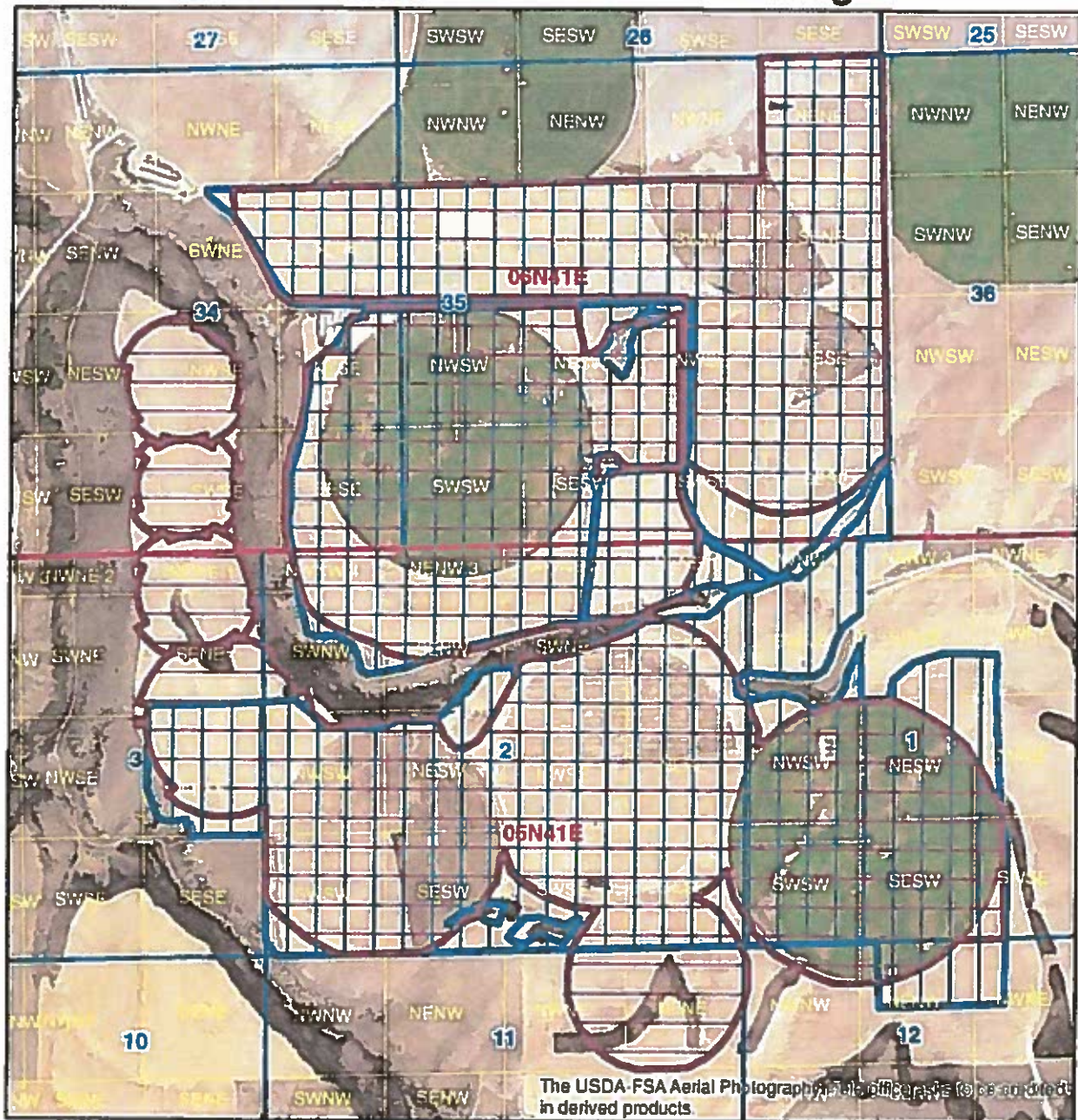


The USDA-FSA Aerial Photography Interpretation Service is not responsible for errors or omissions in derived products

2015 Imagery



Brown Inc Place of Use Change



The USDA-FSA Aerial Photograph File is for use only in derived products. The USDA-FSA Aerial Photograph File is for use only in derived products.

2015 Imagery

