

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAR 15 2016
Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Stephen H. Hunt Phone (208) 548-2427
Mailing address 367 Lake Channel Rd
169 Polk Street American Falls, ID 83211 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 Jason C. Helms, P.E. Phone (208) 308-2109
Mailing address 6755 N. Albert Lane Idaho Falls, ID 83401 Email jasoncivil@alumni.nd.edu

- ☐ 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.

 Stephen H Hunt Stephen H Hunt 3-8-2016
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Split right
- 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**.
 This application seeks to transfer a portion of existing water right 35-13888 for irrigation of new lands. The existing place of use will be dried up. ESPA impacts are calculated below 2 acre-ft per trimester for all model reaches (see attachment #5 for ESPA impact analysis). See also companion transfer of remaining 5.0 acres.

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 ☐ ☒	35-13888	0.19 / 40.0	irrigation	04/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.19 cfs and/or 40.0 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.19 cubic feet per second and/or 40.0 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 #
extg		SW	NW	SW	28	08S	29E	Power	Ground Water	Field 11 well

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	
08S	29E	28										0.6	0.1						0.7
		29													6.6			2.7	9.3
Total Acres (for irrigation use)																			10.0

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:

Existing well with pump and new distribution piping. Measurement device will be installed if required.

- b. Who owns the property at the point(s) of diversion? Art Kress / Kress Sons, Inc.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
See attached agreement between Stephen Hunt & Kress

- 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:

This water right portion will not be used at the existing place of use.

- 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:

No other water rights at proposed place of use although water right 35-12711 also diverts from the existing well and will continue to be used for stockwater.

- 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:

Basis:	License
--------	---------

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.29 CFS	60 AF
	<u>Total Diversion</u>	0.29 CFS	60 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NW1/4SW1/4 Sec. 32, Twp 08S, Rge 28E B.M.

POWER County

Place of Use

IRRIGATION Within POWER County

T08S R28E S32	NESW	2.50	T08S R28E S32	NWSW	5.00
T08S R28E S32	SWSW	5.00	T08S R28E S32	SESW	2.50

Total Acres: 15

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. R64 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 lands above.
3. 214 Prior to the diversion and use of water under Transfer approval 75409, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
4. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
6. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
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. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Licensed Date: 1/4/2002

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: 35-13888

1. amount 0.19 / 40.0 (cfs/ac-ft) for irrigation purposes from 04/01 to 10/31
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

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:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines, typical of notebook paper. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$200 Date 3-15-2015 Received by MS Receipt # E041913

Add'l fee paid _____ Date _____ Received by [Signature] Receipt # _____

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

ESPA Ground Water Rights Transfer Spreadsheet Data Summary

TRANSFER NO: 35-13888 #1
 TRANSFER NAME: Hunt-Kress 10ac

PREPARED BY: Jason C. Helms, P.E.
 DATE: 3/2/2016
 Transfer Tool Version 3.2

BLUE CELLS ARE SET UP FOR
 USER ENTRIES

WATER RIGHTS INVOLVED:

Group 1		Group 2	
Transfer Rights	Additional Mitigation Rights	Transfer Rights	Additional Mitigation Rights
Right No.	Priority Date	Right No.	Priority Date
35-13888	6/10/1988		

HISTORIC BENEFICIAL USE:

Trans/Mit. Rights (group no.)	Acres to Dry Up (ac)	Beneficial Use (af/yr)	Total (af/yr)
35-13888	10.00	40	40

MODEL CELL LOCATIONS:

	TO WELL	FROM1 WELL	FROM2 WELL	FROM3 WELL
ROW	94	91	0	0
COLUMN	87	81	0	0

TO Well (Projected Use)	Start Date		End Date		Water Use		Acres Authorized (acres)	Notes
	Season	Year	Season	Year	Annual (af/yr)	Trimester (af/trimester)		
FROM1 Well (With Transfer)	Spring	1988	Winter	2015	0	0.0	0.0	No use prior to transfer, 40.0 acre-ft per year after transfer approval modeled to begin spring, 2016
FROM1 Well (Without Transfer)	Spring	1988	Winter	2015	40	13.3	10.0	Historical use of 35-13888 begins summer, 1988 and ends spring, 2016 with transfer approval
FROM2 Well (With Transfer)	Spring	1988	Spring	1988	0	0.0	0.0	Historical use of 35-13888 begins summer, 1988. Water rights are authorized to continue diversion without transfer.
FROM2 Well (Without Transfer)	Spring	1988	Spring	1988	40	13.3	10.0	not used
FROM3 Well (With Transfer)	Spring	1988	Spring	1988	0	0.0	0.0	not used
FROM3 Well (Without Transfer)	Spring	1988	Spring	1988	40	13.3	10.0	not used

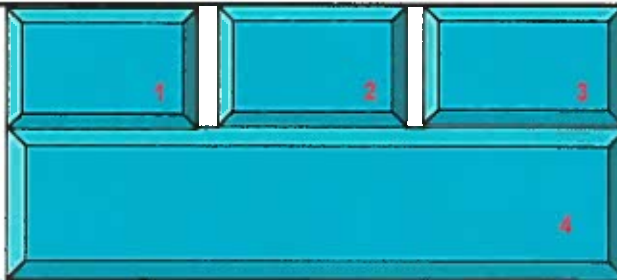
MITIGATION NOTES:

ENHANCED GROUND-WATER RIGHTS TRANSF

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE

IDAHO DEPA

Cells this color are
set up for user entries



ENTER STARTING DATE FOR

SIMULATION. THEN PUSH
"UPDATE DATES" BUTTON

TRANSFER NO:
35-13888 #1

YEAR
SEASON

1988
SPRING

TRANSFER NAME:
Hunt-Kress 10ac

ENTER CELL LOCATIONS:

	TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL	35-13888	6/10/1988	40
ROW	94	91					
COLUMN	87	81					

TO:8S29E-28

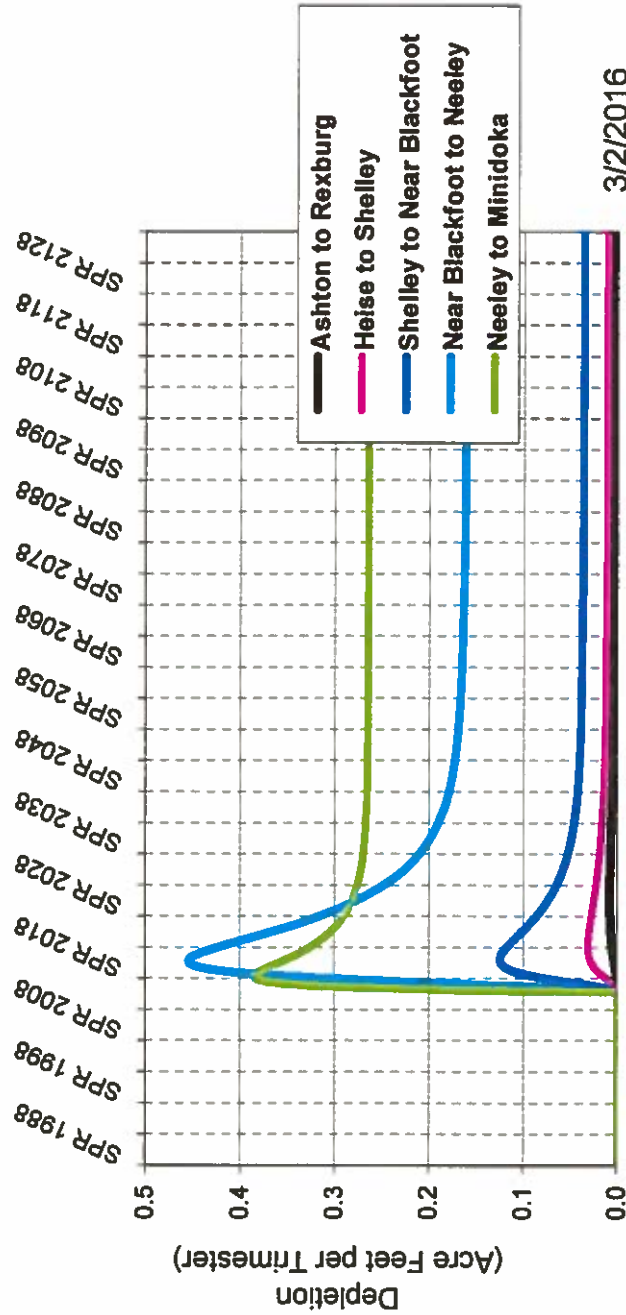
FROM:8S28E-32

Total transfer:

40

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Protected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 1988	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SUM 1988	0.00	13.33	13.33	0.00	0.00	0.00	0.00
WIN 1988	0.00	13.33	13.33	0.00	0.00	0.00	0.00
SPR 1989	0.00	13.33	13.33	0.00	0.00	0.00	0.00
SUM 1989	0.00	13.33	13.33	0.00	0.00	0.00	0.00
WIN 1989	0.00	13.33	13.33	0.00	0.00	0.00	0.00
SPR 1990	0.00	13.33	13.33	0.00	0.00	0.00	0.00
SPR 2014	0.00	13.33	13.33	0.00	0.00	0.00	0.00
SUM 2014	0.00	13.33	13.33	0.00	0.00	0.00	0.00
WIN 2014	0.00	13.33	13.33	0.00	0.00	0.00	0.00
SPR 2015	0.00	13.33	13.33	0.00	0.00	0.00	0.00
SUM 2015	0.00	13.33	13.33	0.00	0.00	0.00	0.00
WIN 2015	0.00	13.33	13.33	0.00	0.00	0.00	0.00
SPR 2016	13.33	0.00	13.33	0.00	0.00	0.00	0.00
SUM 2016	13.33	0.00	13.33	0.00	0.00	0.00	0.00
WIN 2016	13.33	0.00	13.33	0.00	0.00	0.00	0.00
SPR 2017	13.33	0.00	13.33	0.00	0.00	0.00	0.00
SUM 2017	13.33	0.00	13.33	0.00	0.00	0.00	0.00
WIN 2017	13.33	0.00	13.33	0.00	0.00	0.00	0.00
SPR 2018	13.33	0.00	13.33	0.00	0.00	0.00	0.00
SUM 2018	13.33	0.00	13.33	0.00	0.00	0.00	0.00
WIN 2018	13.33	0.00	13.33	0.00	0.00	0.00	0.00
SPR 2019	13.33	0.00	13.33	0.00	0.00	0.00	0.00
SUM 2019	13.33	0.00	13.33	0.00	0.00	0.00	0.00
WIN 2019	13.33	0.00	13.33	0.00	0.00	0.00	0.00
SPR 2020	13.33	0.00	13.33	0.00	0.00	0.00	0.00
SUM 2020	13.33	0.00	13.33	0.00	0.00	0.00	0.00
WIN 2020	13.33	0.00	13.33	0.00	0.00	0.00	0.00
SPR 2021	13.33	0.00	13.33	0.00	0.00	0.00	0.00
SUM 2021	13.33	0.00	13.33	0.00	0.00	0.00	0.00
WIN 2021	13.33	0.00	13.33	0.00	0.00	0.00	0.00
SPR 2022	13.33	0.00	13.33	0.00	0.00	0.00	0.00
SUM 2022	13.33	0.00	13.33	0.00	0.00	0.00	0.00
WIN 2022	13.33	0.00	13.33	0.00	0.00	0.00	0.00
SPR 2023	13.33	0.00	13.33	0.00	0.00	0.00	0.00
SUM 2023	13.33	0.00	13.33	0.00	0.00	0.00	0.00
WIN 2023	13.33	0.00	13.33	0.00	0.00	0.00	0.00
SPR 2024	13.33	0.00	13.33	0.00	0.00	0.00	0.00
SPR 2136	13.33	0.00	13.33	0.00	0.00	0.00	0.00
SUM 2136	13.33	0.00	13.33	0.00	0.00	0.00	0.00
WIN 2136	13.33	0.00	13.33	0.00	0.00	0.00	0.00
SPR 2137	13.33	0.00	13.33	0.00	0.00	0.00	0.00
SUM 2137	13.33	0.00	13.33	0.00	0.00	0.00	0.00
WIN 2137	13.33	0.00	13.33	0.00	0.00	0.00	0.00

Net Transfer Effect Above Milner
(Total Effect With Transfer - Total Effect Without Transfer)



3/2/2016

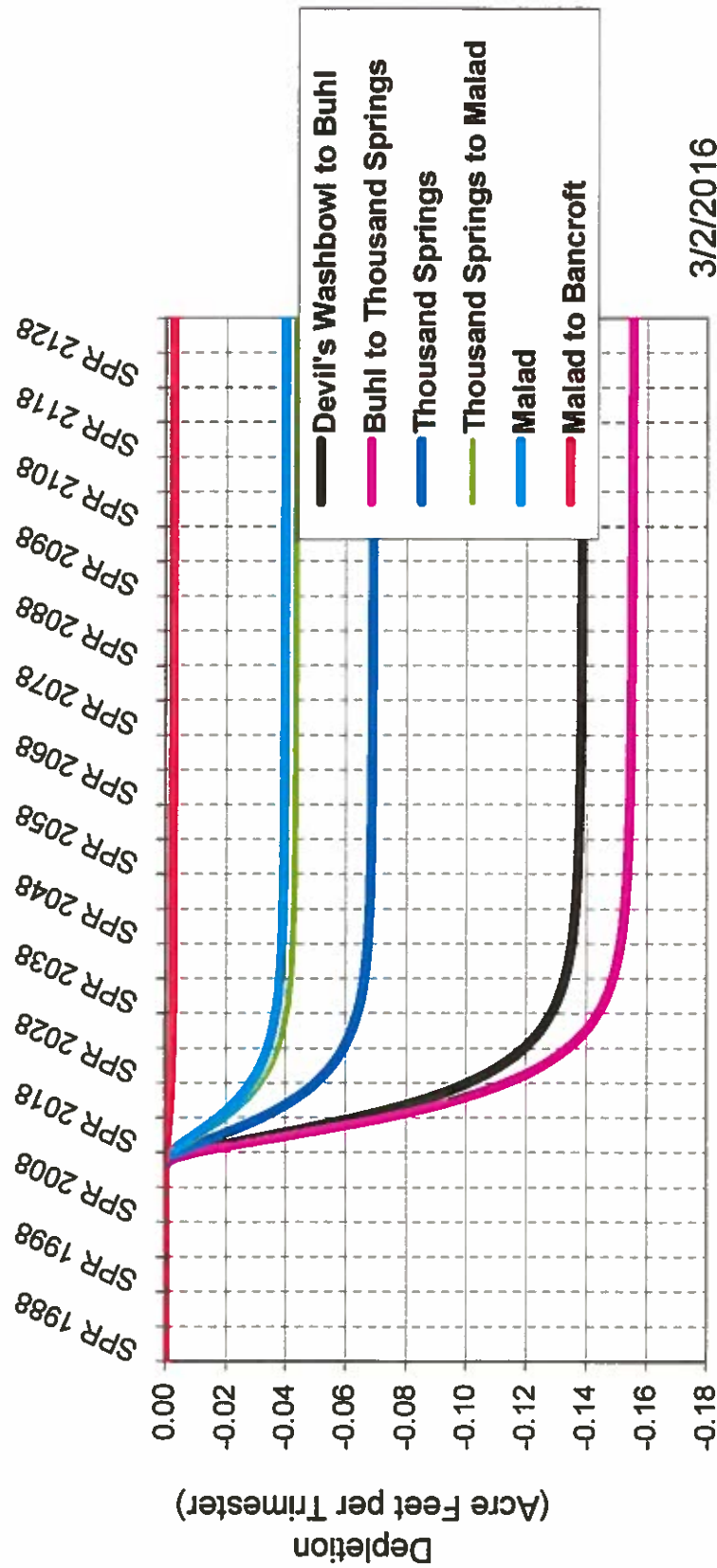
Version 3.2

Customer Name: **Hunt-Kress 10ac**

Transfer No: **35-13888 #1**

Attachment #5c
Impacts Above Milner

Net Transfer Effect Below Milner
(Total Effect With Transfer - Total Effect Without Transfer)



3/2/2016
Version 3.2

Customer Name: Hunt-Kress 10ac

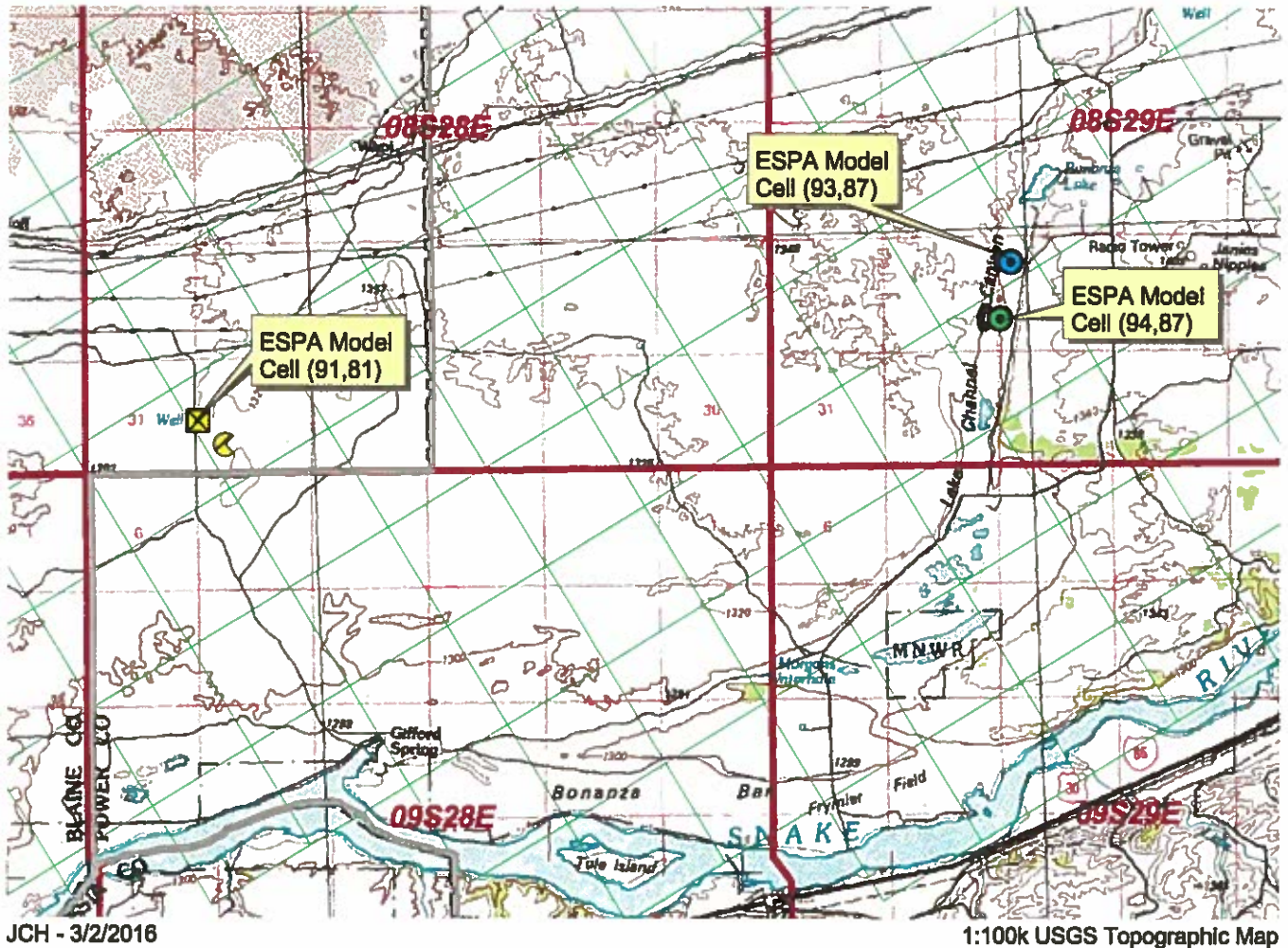
Transfer No: 35-13888 #1

Attachment #5d
Impacts Below Milner

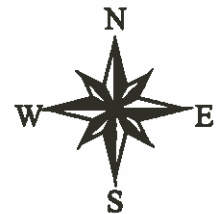
[illegible]

Existing Water Right (8S,28E-32)				
Right #	Priority	Diversion [cfs]	Acres	Volume [afa]
35-13888	6/10/1988	0.29	15.0	60.0
Transfer#1 (8S,29E-28 NWSW)				
Right #	Priority	Diversion [cfs]	Acres	Volume [afa]
*35-13888	6/10/1988	0.19	10.0	40.0
Transfer#2 (8S,29E-28 NWNW)				
Right #	Priority	Diversion [cfs]	Acres	Volume [afa]
*35-13888	6/10/1988	0.10	5.0	20.0
Remaining Water Right				
Right #	Priority	Diversion [cfs]	Acres	Volume [afa]
35-13888	6/10/1988	0.00	0.0	0.0
*To be re-numbered by IDWR during transfer processing.				

Application for Water Right Transfer **Points of Diversion Locations Within the ESPA**



1 0 1 2 3 4 5 Miles



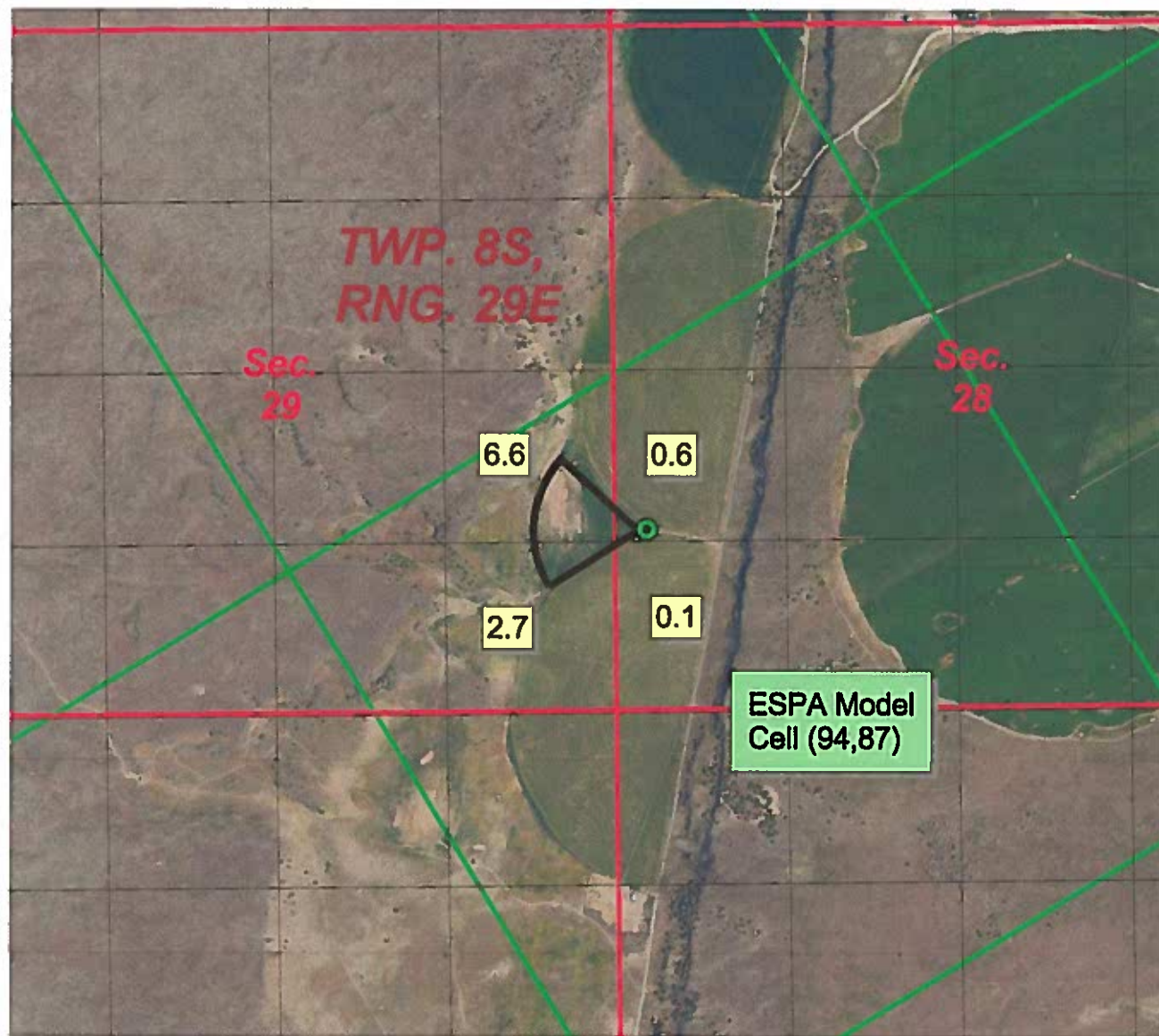
- Transfer #1 (20.0 afa: Model Cell 93,87)
- Transfer #2 (40.0 afa: Model Cell 94,87)
- =====
- 35-13888 (60.0 afa: Model Cell 91,81).
- ESPA Model Cells

Attachment #5g

80754

Application for Water Right Transfer

Proposed Point of Diversion & Place of Use



JCH - 03/02/2016

2013 NAIP Aerial Photo

0.25 0 0.25 0.5 0.75 Miles

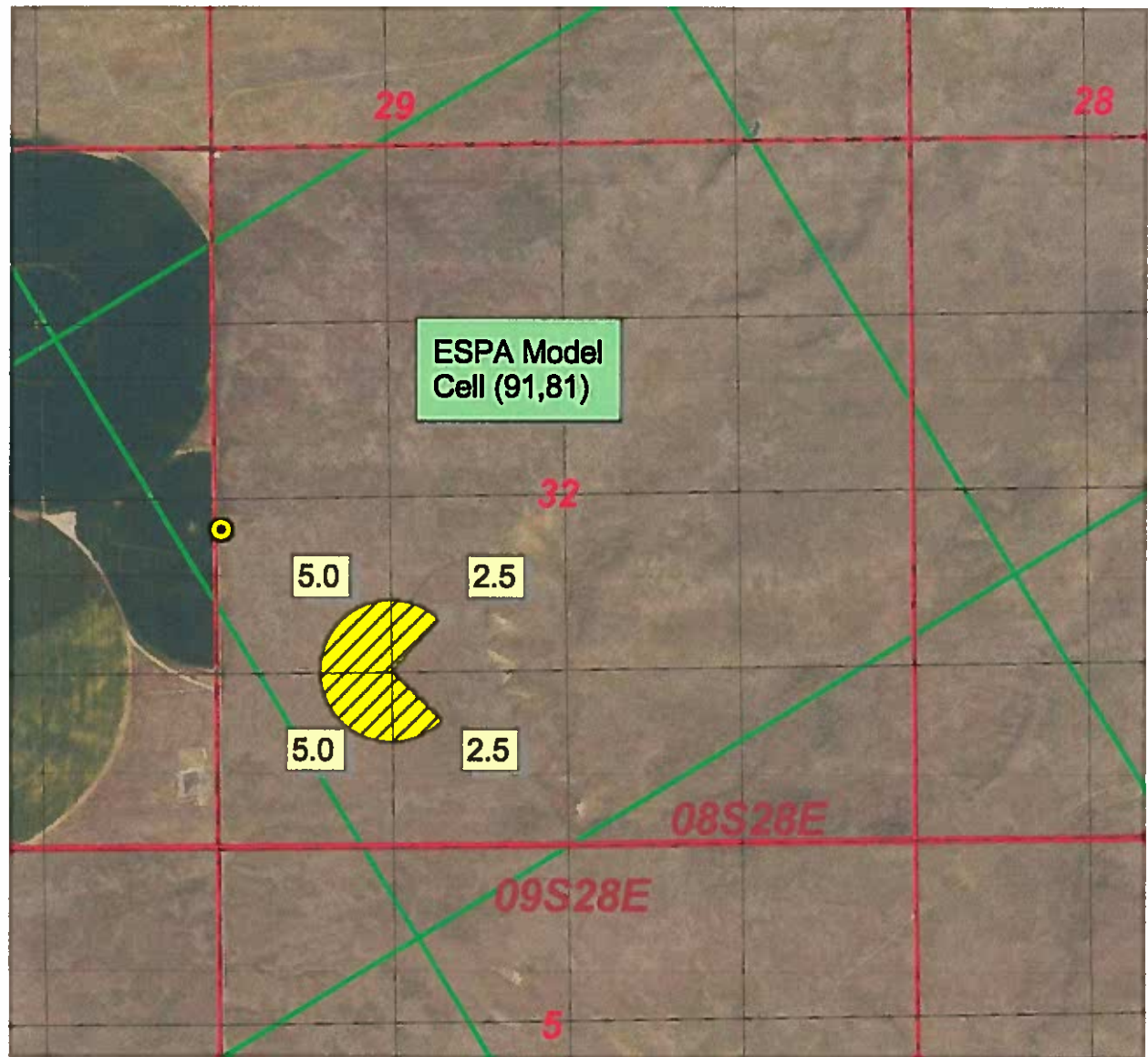
- Proposed New Point of Diversion
- ▭ Proposed New Irrigation Place of Use
10.0 Total Acres

- ▭ Sections
- ▭ ESPA Model Grid
- ▭ 40s (Power County)



Attachment #7a

Application for Water Right Transfer **Existing Point of Diversion & Place of Use**



JCH - 3/2/2016

NAIP 2015 Aerial Photo

- | | |
|--------------------------------------|---------------------|
| 35-13888 Existing Place of Use | Township & Range |
| 35-13888 Dry-Up Place of Use | Sections |
| 35-13888 Existing Point of Diversion | 40s (Blaine County) |
| | ESPA Model Grid |



Attachment #7b

8 0 7 5 4

IDWR

2-20-2016

Idaho Department of Water Resource,

RECEIVED

MAR 21 2016

Department of Water Resources
Eastern Region

I used water right 35-13888
at its original place of use.

For the year 2010 crop year.

I discontinued use for the
2011 crop year when the
water right was transferred
to its current place of use.

Stephen H Hunt

RECEIVED

APR 05 2016

Department of Water Resources
Eastern Region

SPECIAL AGREEMENT ALLOWING WATER RIGHT TRANSFER

ART KRESS AND SONS, INC., doing business in Idaho whose address is P.O. Box 204 American Falls, Idaho (Grantor) does hereby grant, unto STEPHEN HUNT (Grantee) authority to transfer water right 35-13888 as described in attached Exhibit 1 to the property of the Grantor as shown in attached Exhibit 2.

IN WITNESS WHEREOF, the undersigned authorized officers of Grantor, acting on behalf of Grantor, have caused their names to be hereunto subscribed on the date shown by each name.

Signed: Lee Kress (Grantor)

Printed: Lee Kress (Grantor)

Title: President

Date: 3/22/2016

Exhibits: Attached

Exhibit 1: IDWR Water Right Listing (35-13888)

Exhibit 2: Proposed Places of use and Points of Diversion

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

4/1/2016

WATER RIGHT NO. 35-13888

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STEPHEN H HUNT 3667 LAKE CHANNEL RD AMERICAN FALLS, ID 83211 (208)548-2427

Priority Date: 06/10/1988
Basis: License
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.29 CFS	60 AFA
Total Diversion			0.29 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWNWSW|Sec. 32|Township 08S|Range 28E|POWER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08S	28E	32		NESW	2.5		NWSW	5		SWSW	5		SESW	2.5

Total Acres: 15

Conditions of Approval:

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.

EXHIBIT 1

80754

2. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. 214 Prior to the diversion and use of water under Transfer approval 75409, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
4. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
5. R64 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 lands above.
6. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. 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.

Dates:

Licensed Date: 01/04/2002

Decreed Date:

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:

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust: N

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

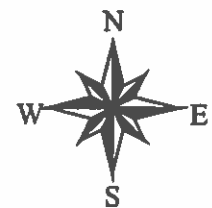
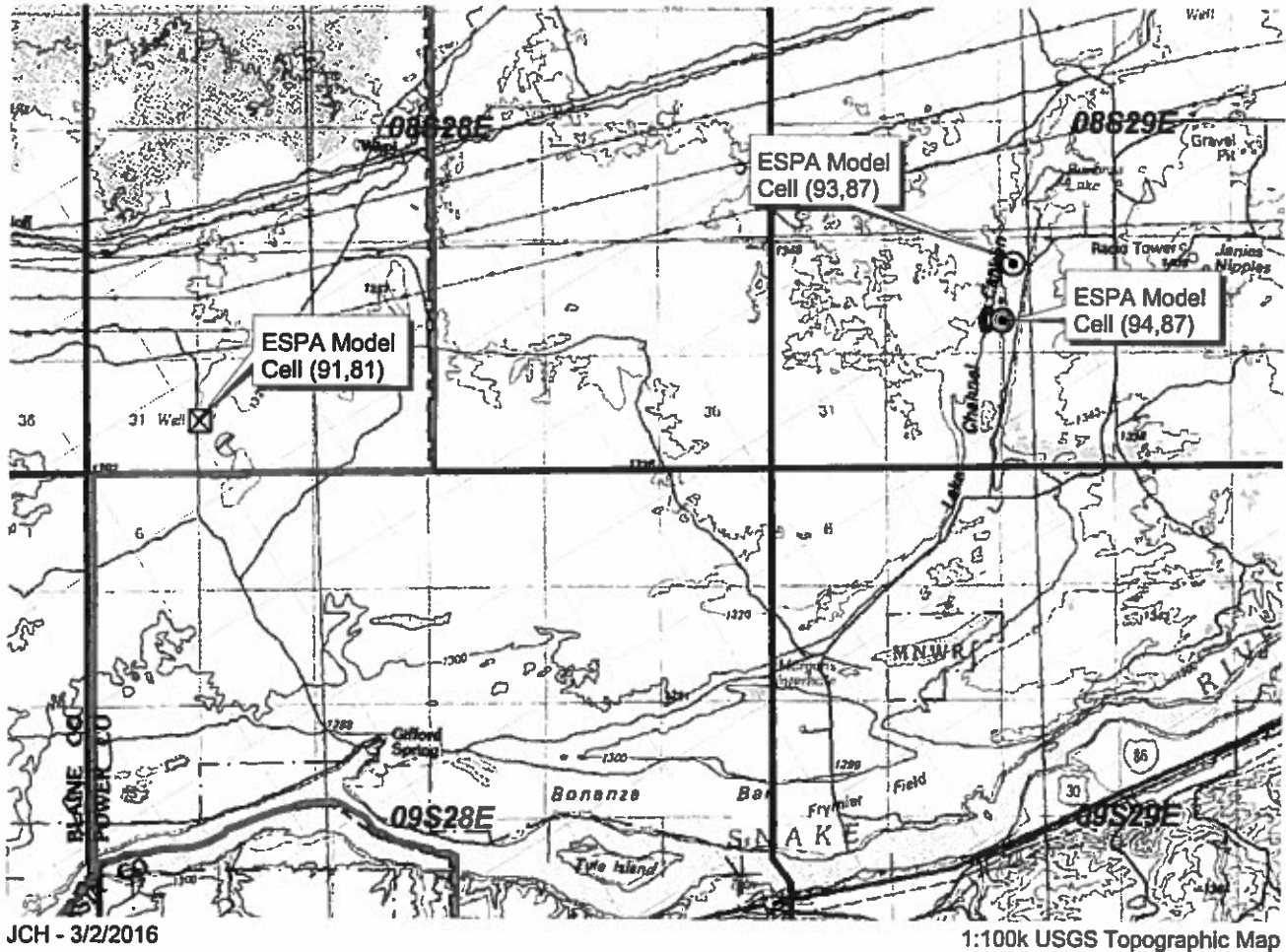
Mitigation Plan: False

Close

EXHIBIT 1

80754

Application for Water Right Transfer **Points of Diversion Locations Within the ESPA**



- ⊙ Transfer #1 (20.0 afa: Model Cell 93,87)
- ⊙ Transfer #2 (40.0 afa: Model Cell 94,87)
- =====
- ⊠ 35-13888 (60.0 afa: Model Cell 91,81).
- ⊠ ESPA Model Cells

EXHIBIT 2



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 6, 2016

STEPHEN H HUNT
3667 LAKE CHANNEL RD
AMERICAN FALLS, ID 83211

RE: Transfer No. 80753 and 80754
Water Right No(s). 35-13888

Dear Applicant(s):

The Department of Water Resources has received your water right transfer applications. Please refer to the transfer numbers referenced above in all future correspondence regarding these transfers.

A legal notice of the applications has been prepared and is scheduled for publication in the POWER COUNTY PRESS on 4/13/2016 and 4/20/2016. Protests to these applications may be submitted for a period ending ten (10) days after the second publication.

If the applications are protested, you will be sent a copy of each protest. All protests must be resolved before the applications 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 applications are not protested, the Department will process your applications and notify you of any action taken on the applications. If your applications are approved, the Department will send you a copy of the approval document.

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

Sincerely,

Judea Jones
Administrative Assistant

CC: JASON C HELMS PE
6755 N ALBERT LN
IDAHO FALLS, ID 83401

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, April 06, 2016 2:18 PM
To: 'Power County Press (press1@press-times.com)'
Subject: Legal Notice for Your Newspaper
Attachments: Power County Press E-Mail.doc

Contacts: Power County Press

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*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80753

STEPHEN H HUNT, 3667 LAKE CHANNEL RD, AMERICAN FALLS, ID 83211; has filed Application No. 80753 for changes to the following water rights within POWER County(s): Right No(s). 35-13888; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

Change the point of diversion and change the place of use. The point of diversion is in the NWNW Sec 28 T8S R29E for 0.10 cfs from ground water. The place of use is within Sec 28 T8S R29E for 5 acres.

TRANSFER NO. 80754

STEPHEN H HUNT, 3667 LAKE CHANNEL RD, AMERICAN FALLS, ID 83211; has filed Application No. 80754 for changes to the following water rights within POWER County(s): Right No(s). 35-13888; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

Change the point of diversion and change the place of use. The point of diversion is in the SWNWSW Sec 28 T8S R29E for 0.19 cfs from ground water. The place of use is within Sec 28 and 29 T8S R29E for 10 acres.

TRANSFER NO. 80751

GEHRING FARMS FERD GEHRING & SON INC, 3656 GEHRING RD, AMERICAN FALLS, ID 83211; has filed Application No. 80751 for changes to the following water rights within POWER County(s): Right No(s). 35-8186, 35-8899; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

Change the point of diversion. The point of diversion is in Lot 1 NWNENE Sec 3 T7S R29E for 2.15 cfs from ground water. The place of use remains the same.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before 5/2/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/13/2016 and 4/20/2016

Mathews, Kerrie

From: Mathews, Kerrie
Sent: Thursday, March 17, 2016 11:31 AM
To: 'Jason Helms'
Subject: Stephen Hunt Transfer application

Mr. Helms:

The Department has received the transfer applications that you submitted on behalf of Stephen Hunt. Your cover letter indicated that there was a signed affidavit from Mr. Hunt describing water use for 2010. The applications the Department received did not contain an affidavit. In addition, the applications propose placing water owned by Mr. Hunt on property that does not belong to him.

In order to continue processing the applications, please submit a copy of the signed affidavit describing water use in 2010 and Authorization from Kress Art Kress Sons Inc. to use their property.

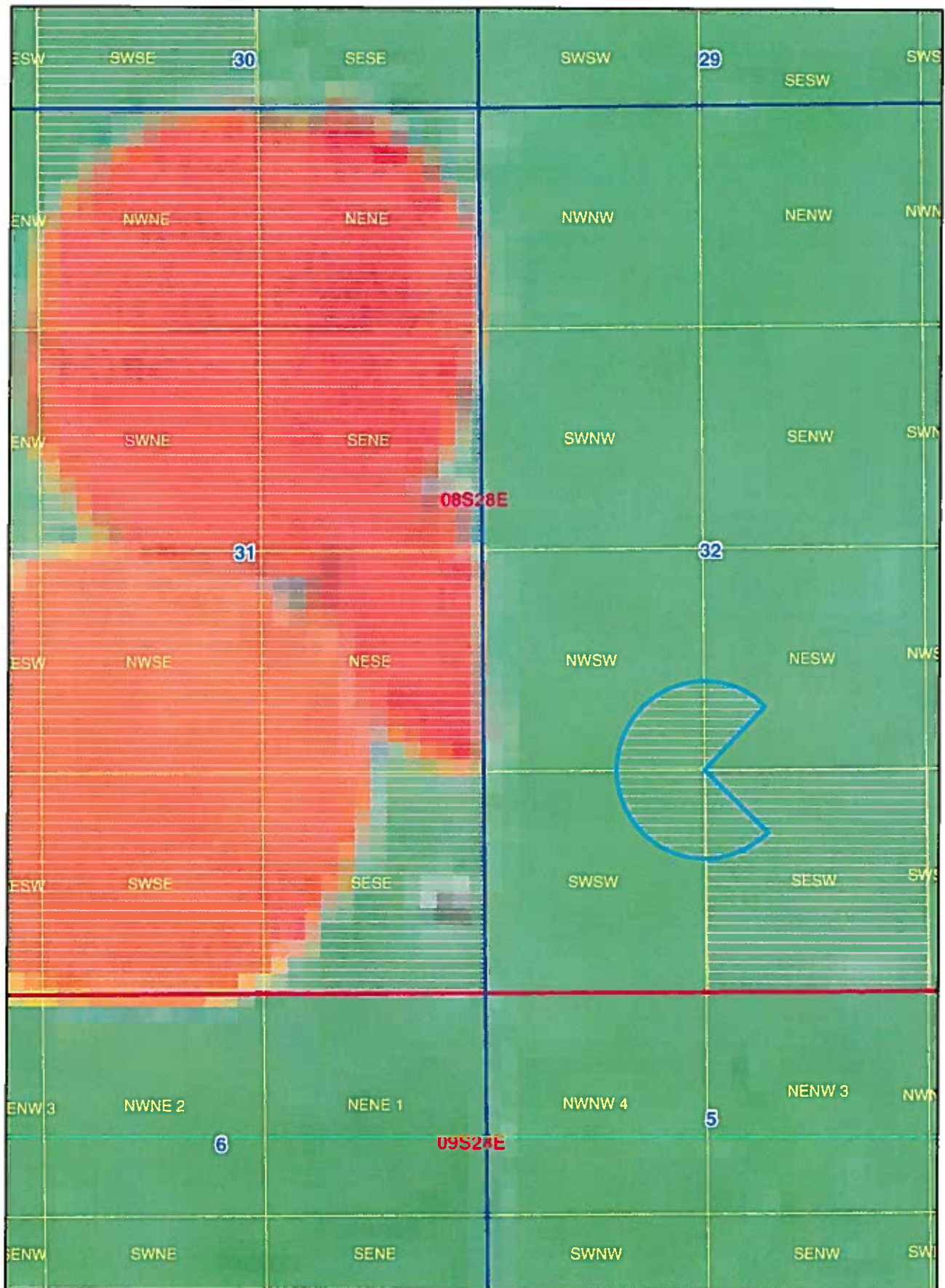
I will hold the applications until April 17th 2016 awaiting further documentation. If you have any questions, please let me know.

Thank you,

Kerrie Mathews

Idaho Department of Water Resources
208-525-7161
208-390-6924

"There is only one success -to be able to spend your life in your own way."
-Christopher Morley



8/11/2010 Satellite Imagery
35-13888

One-Way Analysis of Independent Transfers

Transfer 1 (35-1388(2):

W/R No.	Div. Rate (CFS)	Con. Vol. (AF/A)	No. of Ir. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT	Model Node	Impact by Reach (AFT/Trimester)											
Transfer 1: Proposed Steady State Impacts following Transfer								Ashion to Reburg	Heise to Shelley	Shelley to Nr Bickl	Nr Bickl To Neeley	Neeley to Mindoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr to Kspr	Kspr to Malad	Malad to Malad	Malad to Bancroft	
777	777	275.6	68.9	1/1/1960	8526E-3	275.6	91.9	0.53	1.55	4.68	15.08	7.29	3.16	3.55	1.58	1.00	0.91	0.06	
777	777	275.6	68.9	1/1/1960	8526E-3	275.6	91.9	0.54	1.59	4.79	15.56	8.08	2.74	3.09	1.37	0.86	0.79	0.05	
Transfer 1: Worst Case Transient State Impacts following Transfer																			
777	777	275.6	68.9	1/1/1960	8526E-3	275.6	91.9	0.53	1.55	4.68	15.08	7.29	3.16	3.55	1.58	1.00	0.91	0.06	
777	777	275.6	68.9	1/1/1960	8526E-3	275.6	91.9	0.54	1.59	4.84	15.79	8.40	3.02	3.39	1.51	0.95	0.87	0.05	

Steady State Analysis

Mitigation Check 1 - > 10% of Historical:	1.9%	2.6%	2.4%	3.2%	10.8%	-13.3%	-13.0%	-13.3%	-14.0%	-13.2%	-16.7%
Mitigation Check 2: > 2 AFT:	0.0	0.0	0.1	0.5	0.8	-0.4	-0.5	-0.2	-0.1	-0.1	0.0
Mitigation Check 3 - > 10% of Total:	1.4%	4.0%	12.1%	39.4%	20.5%	6.9%	7.8%	3.5%	2.2%	2.0%	0.1%
Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	0.0	0.1	0.5	0.8	-0.4	-0.5	-0.2	-0.1	-0.1	0.0

Transient State Analysis

Mitigation Check 1 - > 10% of Historical:	1.9%	2.6%	3.4%	4.7%	15.2%	-4.4%	-4.5%	-4.4%	-5.0%	-4.4%	-16.7%
Mitigation Check 2: > 2.01 AFT:	0.0	0.0	0.2	0.7	1.1	-0.1	-0.2	-0.1	-0.1	0.0	0.0
Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	0.0	0.2	0.7	1.1	-0.1	-0.2	-0.1	-0.1	0.0	0.0

Read Me

Transfer 2 (35-2835a to 35-4022):

W/R No.	Div. Rate (CFS)	Con. Vol. (AF/A)	No. of Ir. Acres	Priority Date	POD Location	Dedicated Vol. AFA/AFT	Model Node	Impact by Reach (AFT/Trimester)											
Transfer: Proposed Steady State Impacts following Transfer								Ashion to Reburg	Heise to Shelley	Shelley to Nr Bickl	Nr Bickl To Neeley	Neeley to Mindoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr to Kspr	Kspr to Malad	Malad to Malad	Malad to Bancroft	
777	777	1398.4	349.6	1/1/1990	7S22E-36	1398.4	486.1	0.1	0.1	0.5	2.2	0.1	0.1	0.0	0.0	0.0	0.0	0.0	
777	777	1398.4	349.6	1/1/1990	7S22E-36	1398.4	486.1	0.1	0.1	0.5	2.2	0.1	0.1	0.0	0.0	0.0	0.0	0.0	
Transfer 1: Worst Case Transient State Impacts following Transfer								0.1	0.1	0.5	2.2	0.1	0.1	0.0	0.0	0.0	0.0	0.0	
777	777	1398.4	349.6	1/1/1990	7S22E-36	1398.4	486.1	0.1	0.1	0.5	2.2	0.1	0.1	0.0	0.0	0.0	0.0	0.0	
777	777	1398.4	349.6	1/1/1990	7S22E-36	1398.4	486.1	0.1	0.1	0.5	2.2	0.1	0.1	0.0	0.0	0.0	0.0	0.0	

Steady State Analysis

Mitigation Check 1 - > 10% of Historical:	0.0%	0.0%	-7.7%	2.3%	14.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Mitigation Check 2: > 2 AFT:	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Check 3 - > 10% of Total:	1.7%	2.0%	16.0%	74.3%	2.7%	2.0%	0.7%	0.3%	0.0%	0.3%	0.0%
Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Transient State Analysis

Mitigation Check 1 - > 10% of Historical:	0.0%	0.0%	-7.7%	2.3%	14.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Mitigation Check 2: > 2.01 AFT:	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Evaluation of overall mitigation requirements per reach Steady State and Transient State, and Off-Setting Benefits (Sum of reach debts only where mitigation is required and credits)

March 3, 2016

Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, ID 83401-6105

Re: Applications for Transfer 35-13888

Dear Reviewing Agent:

Please find attached two applications for water right transfer with attachments and the associated processing fees.

The combination of transfers seek to completely relocate water right 35-13888 which was approved for its current location by Transfer #75409 on April 19, 2011. Sufficient water was not found to allow the use and the owner would like to move the water to the two locations identified in the attached transfer applications. An affidavit is attached describing the last use of the water right at its original location was in the 2010 season and based on conversation with Blake Jordan, forfeiture should not be an issue until the end of the current 2016 irrigation season. If additional documentation is necessary it can be provided upon request.

A current version of the ESPA Transfer Spreadsheet Analysis (V3.2) is attached for each transfer demonstrating the transfers meet the requirements for acceptable ESPA impacts and no mitigation appears to be required.

If you have any questions regarding the applications, or need any additional information please don't hesitate to contact me. Thanks,

Jason C. Helms, P.E.

Attachments: Application for Water Right Transfer #1 (0.19 cfs, 40.0 afa, 10.0 ac)
w/attachments
Application for Water Right Transfer #2 (0.10 cfs, 20.0 afa, 5.0 ac)
w/attachments
Check # _____ in the amount of \$400.⁰⁰ (2 x \$200.⁰⁰)

no affidavit, no authorization
from current owner.
No WMS Data 100822, unused
PO3/R30 & 40/R30 SAC
From Well: R91, C31/TOWL: 93, 87
10 acre 94, 87
ZD10 Sat Imagery does not support
irrigation for 2010.
NO WMS DATA