

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 14 2016

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Huntsman Springs Inc Phone 354-9660

Mailing address 97 N Hwy 33, Driggs, ID 83422 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 Young Harvey Walker Phone 520-7880

Mailing address 2338 N 2930 W, Arco, ID 83213 Email why@atcnet.net

- ☐ 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.

Young H. Walker
Signature of Applicant or Authorized Representative

P.O.A. Young H. Walker
Print Name and Title if applicable

1-14-15
Date

Y
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**.
Applicant proposes to combine right 22-13664 with rights 22-7215B, 22-7215C, and 22-13811 in a PPU. Applicant will also identify and refine the POU for rights 22-7215B, 22-7215C, and 22-13811 as required by previous transfer 74231, but the PPU will not change.

STATE OF IDAHO
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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 ☒ ☐	22-13664	0.55 cfs	Irrigation	4/15 to 10/15	Ground water
☒ ☐	22-7215B	0.68 cfs	Irrigation	4/15 to 10/15	Ground water
☒ ☐	22-7215C	0.40 cfs	Irrigation	4/15 to 10/15	Ground water
☒ ☐	22-13811	3.01 cfs	Irrigation	4/15 to 10/31	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 4.64 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.55 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	
5N	45E	22		40	40										40	40	40	40	240
5N	45E	23											40	20					60
5N	45E	26					9.7	40	40	3.8	5	40	40	2					180.5
5N	45E	27	40	40	40	40									40	40		40	280
Total Acres (for irrigation use)																			760.5

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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:

100 HP pump in well to holding pond and pump in pond to sprinkler irrigation. Can install flowmeter if necessary.

- 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: mortgage from Zion National Bank

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:

No impact.

- 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:

The rights included in this transfer share the same POD and will share the same POU after the transfer.

- 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:

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Proof Report

1/13/2016

Water Right 22-13664

Owner Type **Name**
Current Owner HUNTSMAN SPRINGS INC
Priority Date: 3/3/1977
Basis: Decreed
Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	10/15	0.550 CFS	83.1 AF
	Total Diversion		0.550 CFS	83.1 AF

Source and Point(s) of Diversion
GROUND WATER NWSW Sec. 24, Twp 05N, Rge 45E, TETON County

Place Of Use

IRRIGATION within TETON 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	45E	23													20.0	7.7			27.7

POU Total Acres: 27.7

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. P21 This right is a split from former right 22-7215A.
3. Use of this right is combined with water from the Grand Teton Canal Co.

Dates and Other Information

Decreed Date: 12/23/2009
Civil Case Number: 39576
Judicial District: FIFTH
Mitigation Plan: False

Combined Use Limits

N/A

Water Supply Bank:

N/A

12/23/2015

Owner Type **Name**
Current Owner HUNTSMAN SPRINGS INC
Priority Date: 3/3/1977
Basis: Deceased
Status: Active

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IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/23/2015

- 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. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
 8. K06 This right is limited to the irrigation of 34 acres within the place of use described above in a single irrigation season.
 9. X35 Rights 22-7215B, 22-7215C, and 22-13811 when combined shall not exceed the irrigation of 307 acres.
 10. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
 11. E18 Use of water under this right is combined with water from Grand Teton Canal Co.
 12. Within 5 years of the approved transfer 74231, the applicant will file a transfer to identify and refine the place of use and nature of use for this water right.
 13. 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.

Comments:

1. dkidman 11/18/2008 Approved Transfer
Version 2 created to reflect approved transfer 74231. POD, POU, and conditions will be updated to reflect transfer. ArcMap shapefile updated and linked to version 2.
2. dcarlson 2/9/2009 Water Right
This water right record was updated by decree record from old RightID 16317 to new RightID 621256

Dates and Other Information

Decreed Date: 12/2/2008
Civil Case Number: 39576
Judicial District: FIFTH
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
22-7215C ,22-13811 ,22-7215B		307.0

SubCase:

N/A

Water Supply Bank:

N/A

1/4/2016

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Proof Report

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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. 104 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
9. E18 Use of water under this right is combined with water from Grand Teton Canal Co.
10. T07 The right holder shall accomplish the change authorized by approved transfer 74231 by March 18, 2009.
11. T08 Failure of the right holder to comply with the conditions of approved transfer 74231 is cause for the Director to rescind approval of the transfer.
12. Within 5 years of the approved transfer 74231, the applicant will file a transfer to identify and refine the place of use and nature of use for this water right.

Dates and Other Information

Decreed Date: 12/2/2008

Civil Case Number: 39576

Judicial District: FIFTH

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		307.0
22-7215C ,22-13811 ,22-7215B		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/4/2016

Water Right 22-13811

Owner Type **Name**
Current Owner HUNTSMAN SPRINGS INC
Priority Date: 2/20/1980
Basis: Decreed
Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	10/31	3.010 CFS	885.5 AF
	Total Diversion		3.010 CFS	885.5 AF

Source and Point(s) of Diversion

GROUND WATER	SWSNW	Sec. 26, Twp 05N, Rge 45E, TETON County
GROUND WATER	NENWSW	Sec. 24, Twp 05N, Rge 45E, TETON County

Place Of Use

IRRIGATION within TETON County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	45E	22		40.0	40.0										40.0	40.0	40.0	40.0	240.0
05N	45E	23											40.0	20.0					60.0
05N	45E	26					9.7	40.0	40.0	3.8	5.0	40.0	40.0	2.0					180.5
05N	45E	27	40.0	40.0	40.0	40.0									40.0	40.0		40.0	280.0

Right Acre Limit: 253.0

POU Total Acres: 760.5

Conditions of Approval:

1. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
2. Use of water under this right is combined with water from Grand Teton Canal Co.
3. X35 Rights 22-7215B, 22-7215C and 22-13811 when combined shall not exceed the irrigation of 307 acres.
4. T07 The right holder shall accomplish the change authorized by approved transfer 74231 by March 18, 2009.
5. T08 Failure of the right holder to comply with the conditions of approved transfer 74231 is cause for the Director to rescind approval of the transfer.
6. 104 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. Within 5 years of the Approved transfer 74231, the applicant will file a

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8. 046 transfer to identify and refine the place of use and nature of use for this water right. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. 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 lands above.
10. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
11. K06 This right is limited to the irrigation of 253 acres within the place of use described above in a single irrigation season.
12. 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.

Dates and Other Information

Decreed Date: 11/14/2008

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

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>
22-7215C ,22-13811 ,22-7215B		307.0

SubCase:

N/A

Water Supply Bank:

N/A

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:

[illegible]**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments.

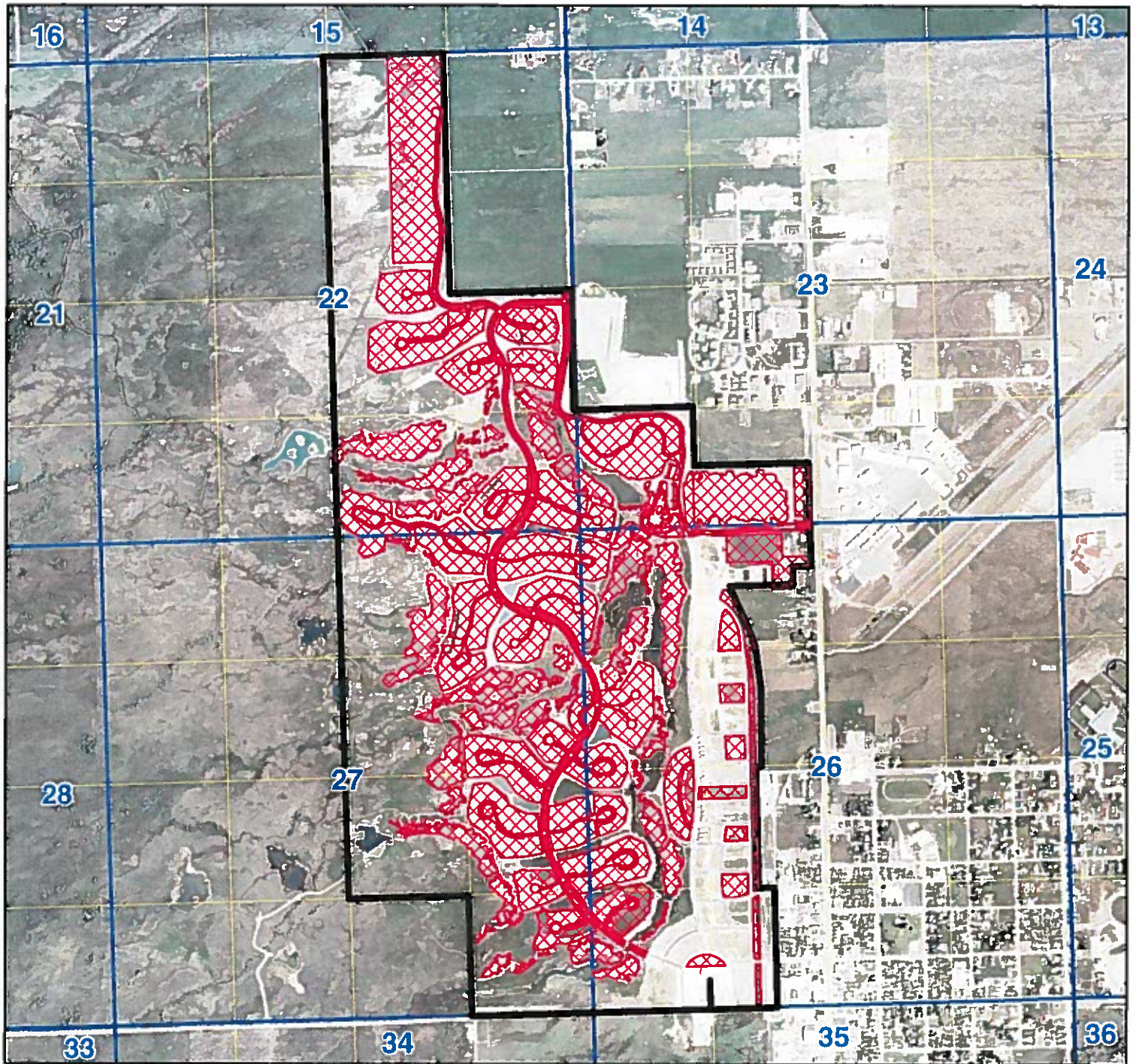
Received by MA Date 1/14/16 Preliminary check by MH Date 1/14/16

Fee paid \$500.- Date 12/23/2015 Received by UB Receipt # E041712

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)

State of Idaho
Department of Water Resources
Transfer No. 80633



0 0.3 0.6 1.2 Miles

Legend

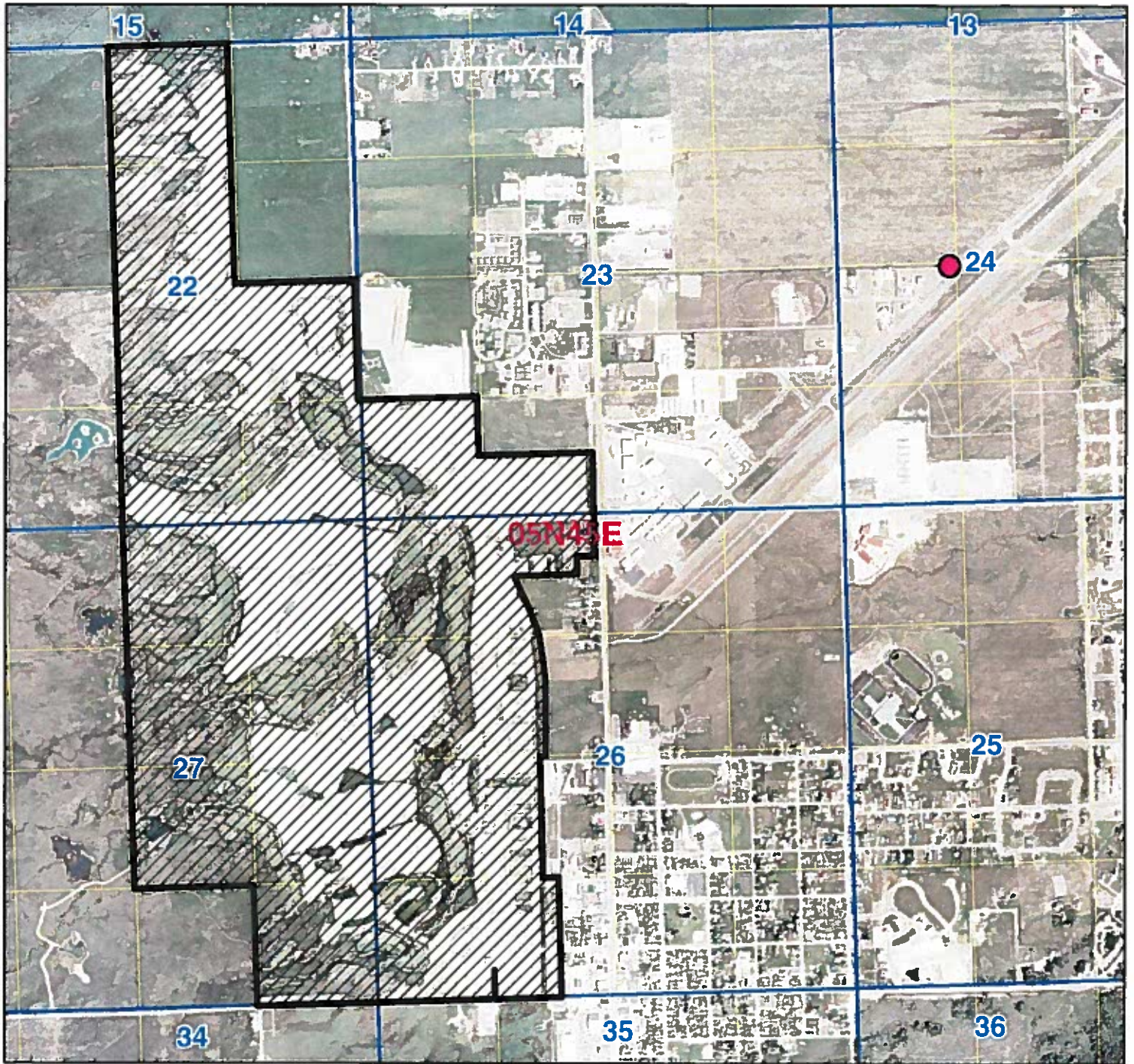
-  Irrigated acres in PPU
-  Permissible POU
-  Sections
- QQ



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Map prepared by Michael Holliday

State of Idaho
Department of Water Resources
Transfer of Right No. 22-13664
Date: 12/23/2015



Legend

-  Proposed POD
-  Proposed POU
-  Township/Range
-  Sections
- QQ

0 0.375 0.75 1.5 Miles



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Map prepared by Michael Holliday

LIMITED POWER OF ATTORNEY

HUNTSMAN SPRINGS, INC, DAVID H. HUNTSMAN, President, of 97 North Highway 33, Driggs, Idaho, 83422, designate and appoint HARVEY WALKER of 2338 North 2930 West, Arco, ID 83213, as our attorney in fact and agent (subsequently called "agent") to act in our name and for our benefit. We grant to our agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as we might or could do if personally present and fully competent, hereby ratifying and confirming all that our agent shall lawfully do or cause to be done by virtue of this power of attorney and the powers herein granted.

Specific Powers

Our agent shall have and may exercise the following specific power:

- a. To handle all affairs and do all that needs done, including signing of documents, pertaining to water rights, wells and all water issues.

Revocability

This power of attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by us or our agent and delivered to such person or institution.

Interpretation

This instrument is to be construed and interpreted as a limited power of attorney.

Disability of Principal

This Limited Power of Attorney shall not be affected by disability of the principal.

Third-Party Reliance

Third parties may rely upon the representations of our agent as to all matters relating to any power granted to our agent, and no person who may act in reliance upon the representations of our agent or the authority granted to our agent shall incur any liability to us or our estate as a result of permitting our agent to exercise any power.

Expiration

Unless sooner revoked in the manner above provided, this Limited Power of Attorney shall expire at midnight on February 28, 2016.

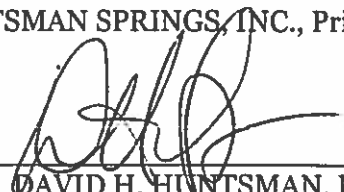
Governing Law

This Limited Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

IN WITNESS WHEREOF, we have executed this Limited Power of Attorney this 18th day of March, 2013.

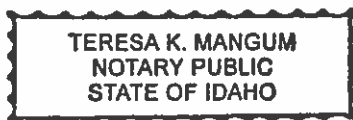
HUNTSMAN SPRINGS, INC., Principal

By


DAVID H. HUNTSMAN, President

STATE OF Idaho)
) SS.
County of Teton)

On this 18th day of March, 2013, personally appeared before me DAVID H. HUNTSMAN, who, being by me first duly sworn, declared that he is the President of HUNTSMAN SPRINGS, INC., that he signed the foregoing document as President of the corporation, and that the statements therein contained are true.



Teresa K. Mangum
Notary Public of Idaho
My Commission Expires: 07-24-2015