

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 16 2015

Department of Water Resources
(S) OF DIVERSION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. **APPLICANT(S)** Kirk Jackson Phone (208) 351-8381

2. MAILING ADDRESS PO Box 866 City Pocatello

State _____ **ID** _____ **Zip** 83204 **Email** _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 29-14032

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.84 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

[illegible]

6. 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:

See explanation attached

- b. Who owns the property at the point(s) of diversion? Dale Koester, Ronald Koester and Edward Koester

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. MAP - ☐ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

[Signature]
Signature of applicant or authorized agent

Kirk Jackson
Print name and title if applicable

11-15-15
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. FEE - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid 500 Date 11/16/15 Received by SC Receipt # ED41623

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 - confidential information is held by fiscal only)

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/28/2014

WATER RIGHT NO. 29-14032

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KIRK JACKSON PO BOX 866 POCATELLO, ID 83204 (208)351-8381
Original Owner	CRAIG V BLOXHAM 20862 S CAMBRIDGE RD PO BOX 227 DOWNEY, ID 83234 (208)897-5666
Original Owner	VERN C BLOXHAM 494 N MAIN PO BOX 227 DOWNEY, ID 83234 (208)897-5666

Priority Date: 05/19/1920

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.84 CFS	
STOCKWATER	01/01	12/31	0.03 CFS	
Total Diversion			0.84 CFS	

Location of Point(s) of Diversion:

UNNAMED STREAM|SWSENW|Sec. 14|Township 11S|Range 37E|BANNOCK County

IRRIGATION Use:

Acre Limit: 41.9

Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
11S	37E	14		NWSW	9.7		SWSW	38						
		23		NWNW	1.5									

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 49.2

Conditions of Approval:

1. B01 SOURCE IS ALSO KNOWN AS SPRING CREEK.
2. 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.
3. E55 USE OF THIS RIGHT WITH RIGHT NO. 29-14030 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 49.2 ACRES IN A SINGLE IRRIGATION SEASON.
4. N05 THE QUANTITY OF WATER UNDER RIGHTS 29-14031 AND 29-14032 WHEN COMBINED FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY AND A DIVERSION RATE OF 0.03 CFS.
5. E51 USE OF THIS RIGHT WITH RIGHT NO. 29-14030 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.99 CFS.
6. E62 THIS RIGHT WHEN COMBINED WITH RIGHT NO. 29-14030 AND 29-14032 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
7. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 41.9 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
8. N08

EAST

Spring

* we added

New Division

* Bloxham/Barnes

old diversions

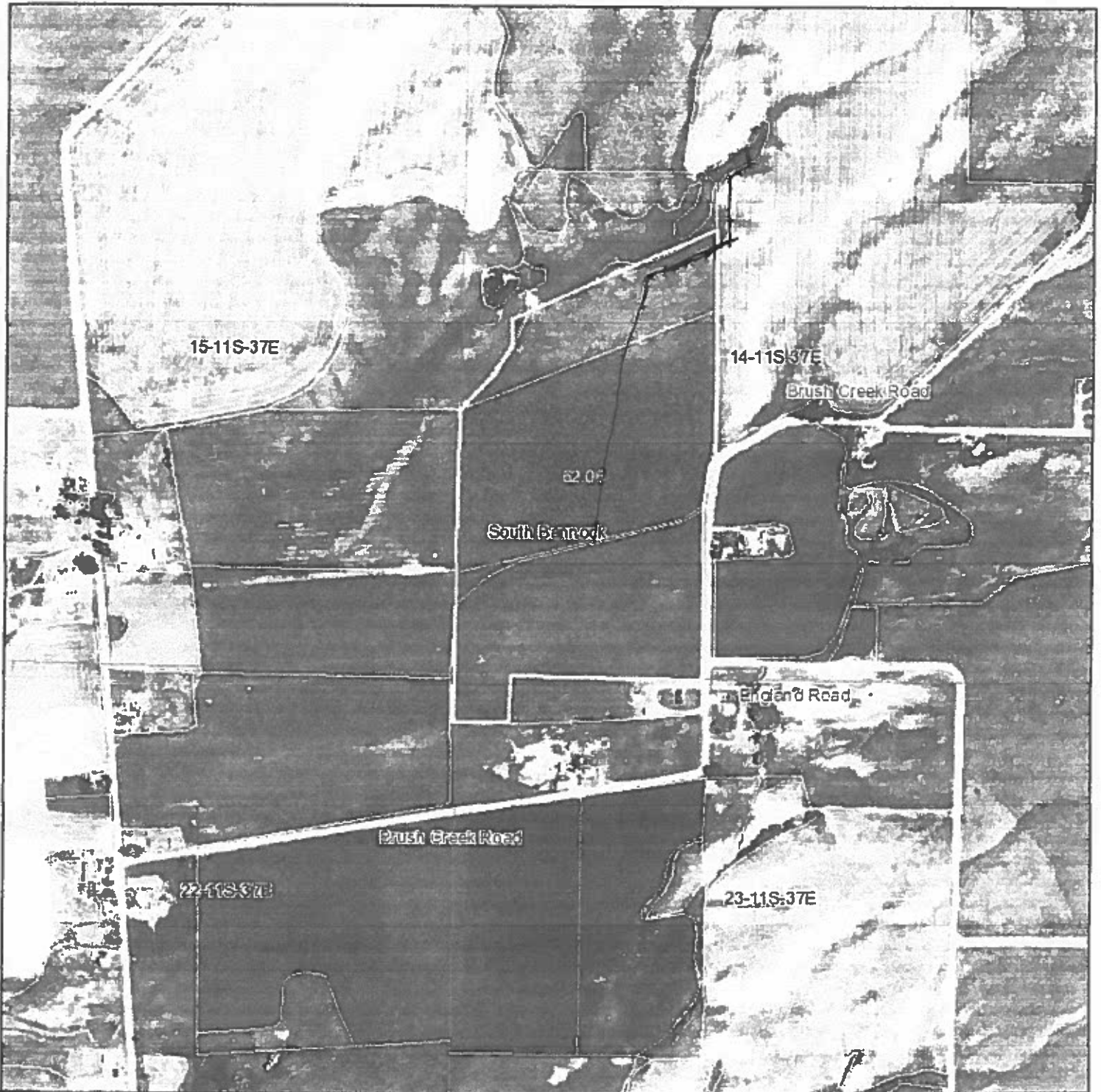
50'

Bloxham

Koester

Tachson

Aerial Map



map center: 42° 27' 41.25, 112° 6' 31.26

scale: 9914

14-11S-37E
Bannock County
Idaho



Maps provided by:



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www.AgriDataInc.com

80529

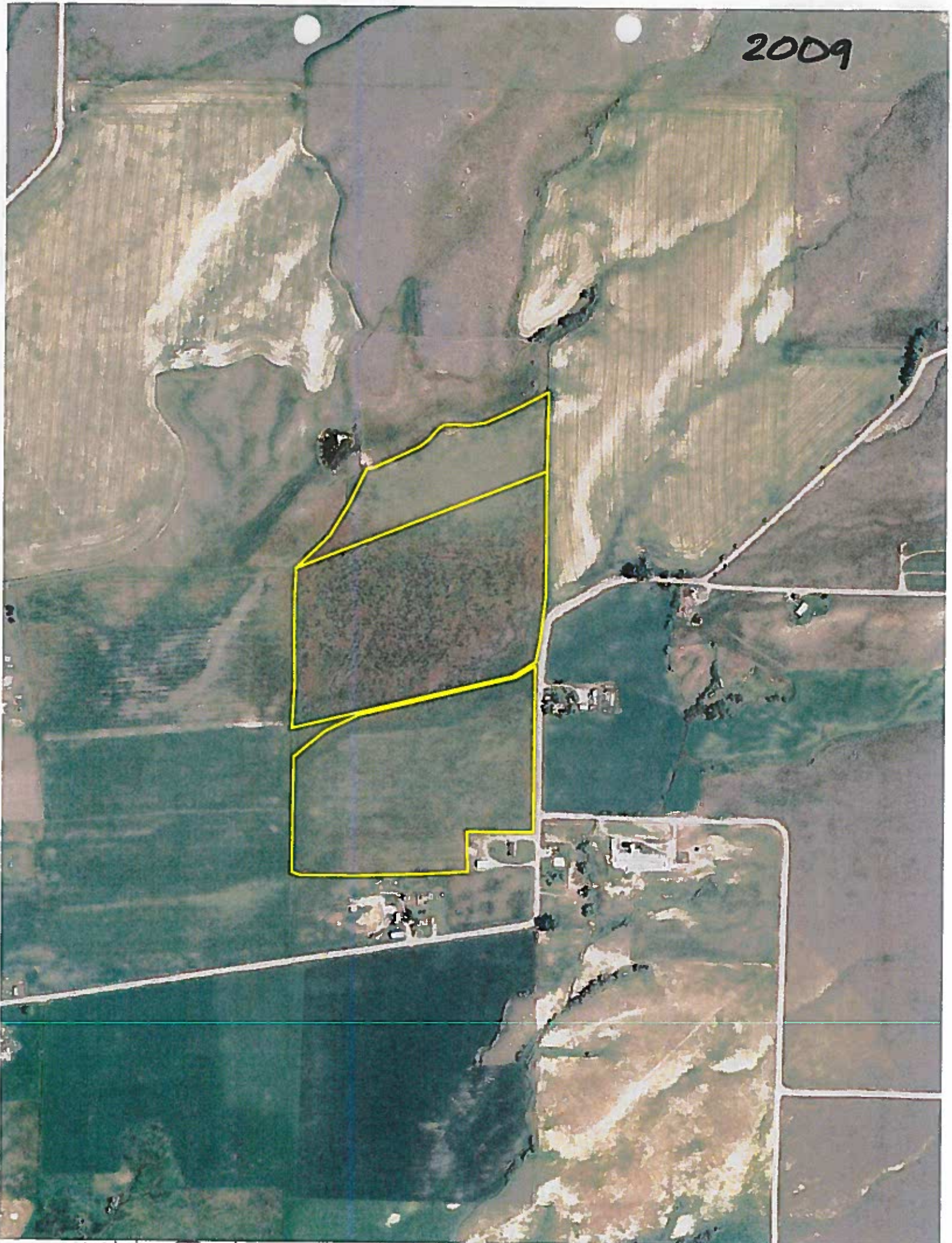
2/28/2011

by Aerial Photography Field Office.

#6 A. Diversion includes concrete wall 2' high by 8' wide with one 6" inlet pipe and two 4 inch overflow pipes; on outlet side, there is one 6" pipe servicing Barnes/Bloxham water right, and one 6" pipe servicing the Jackson water right with a sliding headgate and a locking device could be added above the headgate.

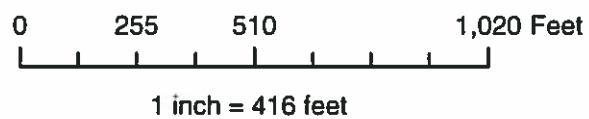
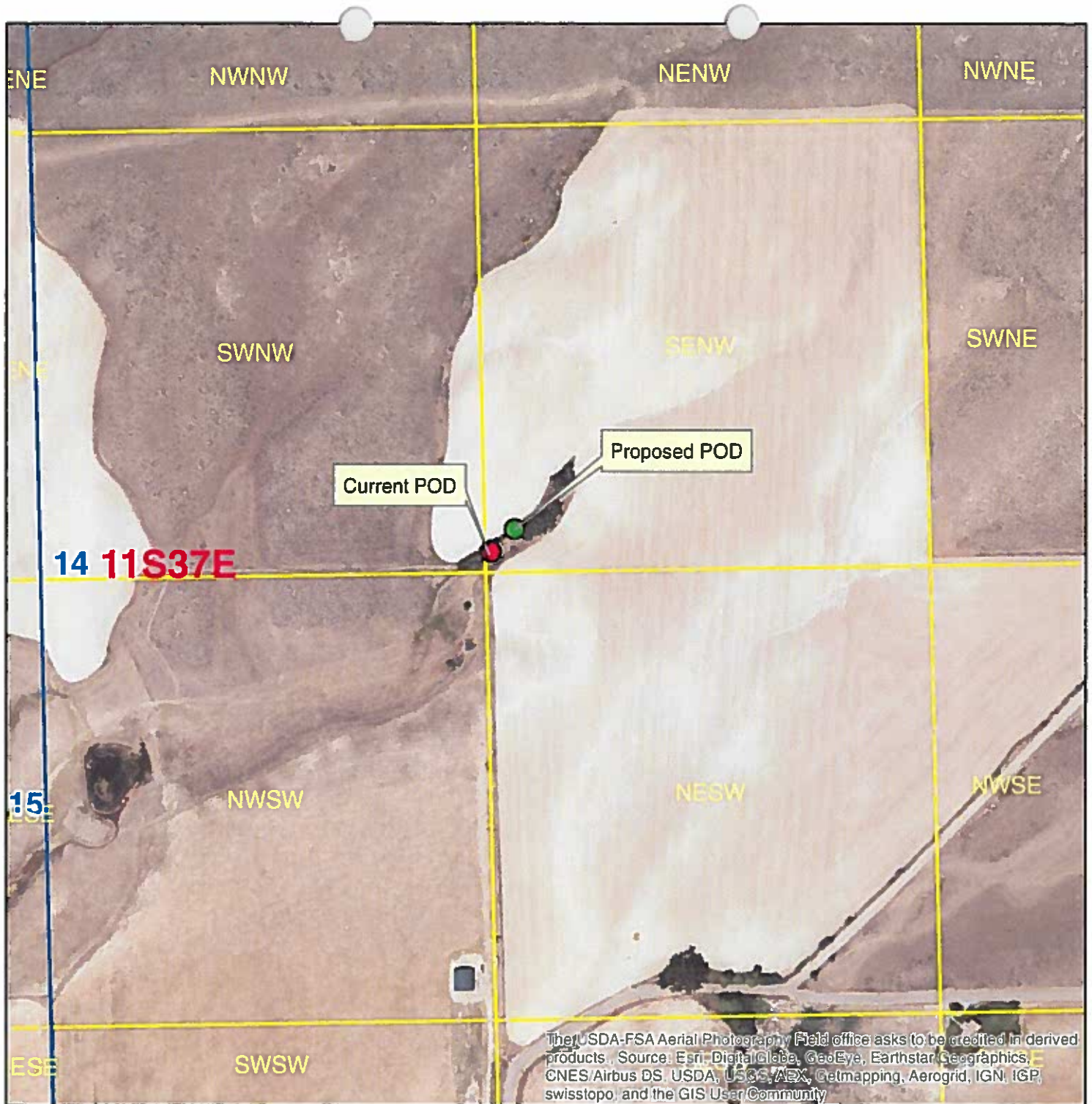
#6 C. See attached images obtained from Dennis Dunn - showing irrigation in 2009 and 2011.

2009



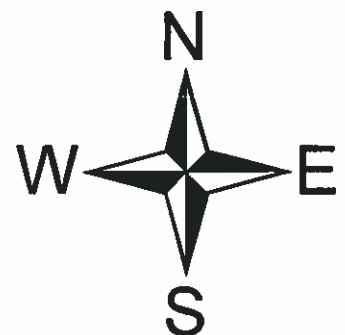
2011





Legend

- Township/Range
- Sections
- QQ





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 North Skyline Drive, Suite 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 - IDWR Director

November 6, 2015

Kirk Jackson
PO Box 866
Pocatello, ID 83204

RE: Application for Transfer (Water Right 29-14032)

Dear Mr. Jackson:

I received a phone call yesterday from Craig Bloxham asking about the elements and status of your water right 29-14032. Specifically, Mr. Bloxham asked whether you should file an application for transfer to change your point of diversion from the original (Bloxham) diversion structure to your recently-constructed diversion dam.

The statutes governing transfer applications are broadly worded. They state that an application for transfer is required to change the point of diversion of a water right. (See Idaho Code § 42-108 and § 42-222(1)) Historically, the Department has taken the position that moving a point of diversion within the same legal tract described on the face of the water right generally does not require a transfer.

For example, a water user with a point of diversion (ground water well) in the NENE of Section 5, could usually abandon the old well and drill a new well anywhere in the NENE of Section 5 without filing any transfer application. A transfer would not be needed because nothing is changing on the face of the water right – the point of diversion would continue to be in the NENE of Section 5.

In your case, water right 29-14032 describes the authorized point of diversion down to the 10-acre tract, in the SWSEW of Section 14, T11S, R37E. Your new point of diversion is only 50 feet upstream of the existing point of diversion and would still be located in the SWSEW of Section 14. Therefore, the point of diversion listed on the face of your water right does not need to change.

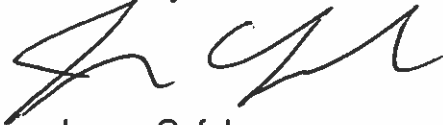
There are a few exceptions to the general rule that a transfer is not needed if you stay within the same legal description. In the past, the Department has held that, even if you are staying within the same designated tract, a transfer application must be filed if the original point of diversion is not going to be abandoned. Stated a little differently, a transfer application must be filed if one point of diversion from a source is now becoming two points of diversion.

In your case, you are creating a new point of diversion on the unnamed stream. The other water users on the stream will continue to divert from the original (Bloxham) intake structure. Where there used to be one diversion in the SWSENW of Section 14, there will now be two. To remain consistent with previous practices of the Department throughout the state, I am notifying you that you should file a transfer application to change your point of diversion.

I have enclosed a partially-completed transfer application form for you to review. Please fill in the remaining information. If the application accurately describes the changes you would like to make to your water right, please sign the form and return it with the appropriate filing fee (\$500). You will also need to prepare a map showing the location of the original point of diversion and the new point of diversion and the distance between the two points. The transfer application will be published in the local newspaper and anyone who feels like they may be negatively impacted by the change is free to file a protest.

I recognize that there is a pending criminal case against Craig Bloxham for events occurring during the irrigation season. I've chose to send a copy of this letter to Mr. Bloxham and to Matthew Kerbs, prosecutor for Bannock County. Thanks for your prompt attention to this request. Feel free to call if you have any questions or need assistance preparing a map.

Sincerely,



James Cefalo
(208) 525-7161

Encl: Application for Transfer (Point of Diversion)

Cc: Craig Bloxham
Matthew Kerbs (by email)