

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 05 2015

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) King Creek Grazing Assn, Inc Phone 435 872 8292
Mailing address PO Box 670 Snowville UT 84336 Email lmunns@wildblue.net

- ☐ 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 Thomas J. Budge, Attorney Phone 208 232 6101
Mailing address PO Box 1391, Pocatello, ID 83204 Email tjb@racinelaw.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.

[Signature]
Signature of Applicant or Authorized Representative

Thomas J. Budge Attorney
Print Name and Title if applicable

11-6-15
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.

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	29-10331	3.14	Irrigation	04/01 to 10/31	Toponce Crk & Portneuf Ri
☒ ☐	29-107B	0.60	Irrigation	04/15 to 9/15	Toponce Crk & Portneuf Ri
☒ ☐	29-10327	2.99	Irrigation	04/15 to 09/15	Toponce Crk & Portneuf Ri
☒ ☐	29-13231	0.07	Irrigation	04/15 to 09/15	Toponce Crk & Portneuf Ri
☒ ☐	29-13232	0.11	Irrigation	04/15 to 09/15	Toponce Crk & Portneuf Ri
☒ ☐	29-10329	0.30	Irrigation	04/15 to 09/15	Toponce Crk & Portneuf Ri
☒ ☐	29-91B	0.48	Irrigation	04/15 to 09/15	Toponce Crk & Portneuf Ri
☒ ☐	29-10330	0.15	Irrigation	04/15 to 09/15	Toponce Crk & Portneuf Ri
☒ ☐	29-93B	0.10	Irrigation	04/15 to 09/15	Toponce Crk & Portneuf Ri

Total authorized under rights 7.56 cfs and/or acre-feet.

2. Total amount of water proposed to be transferred or changed 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	%	%	%	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE %				NW %				SW %				SE %				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	38E	26									20	38	39	29.5					126.5
06S	38E	35	40	40			40	40											160
06S	38E	36		29.7			26.7	32.1											88.5
Total Acres (for irrigation use)																			375

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DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF A WATER RIGHT

Supplemental Page for Description of Rights after Transfer**

[illegible]

****Insert this page into Part 1B of the Application for Transfer of a Water Right.**

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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:
No change to existing diversion from Toponce Creek

- 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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Land from which water is being transferred will no longer be irrigated.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
None

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

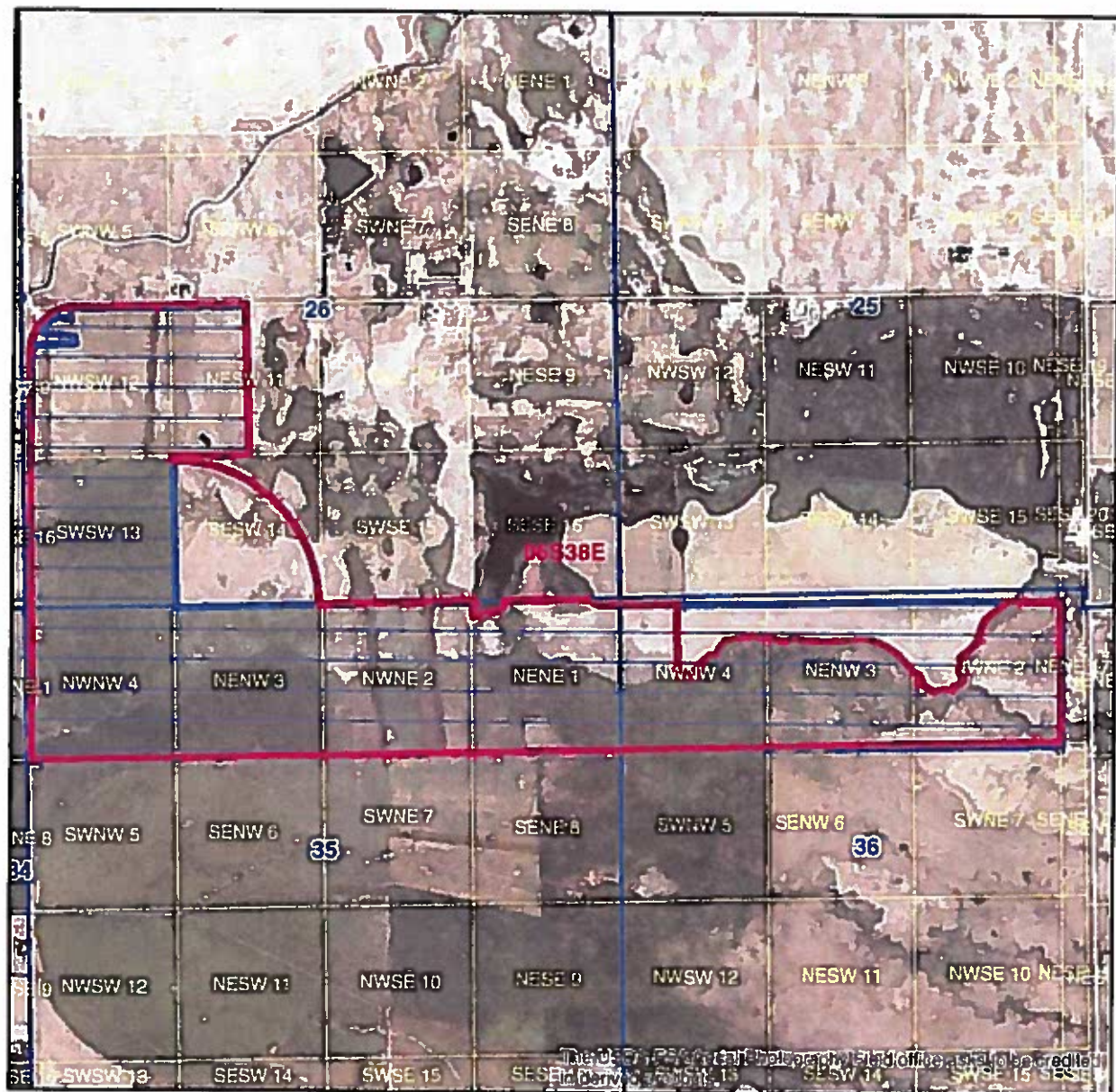
Yes No

- ☒ ☐ 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:

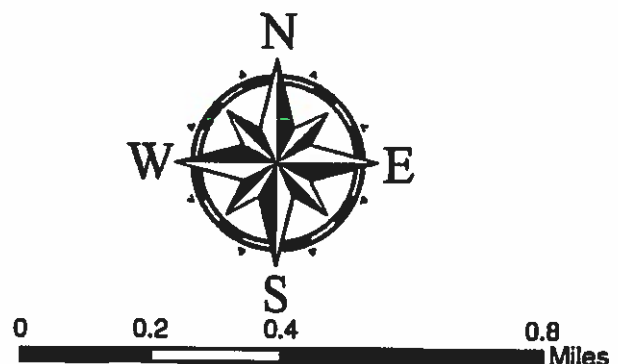
Inadequate water supply periodically prevents Applicant from irrigating entire authorized place of use. This does not result in forfeiture under Idaho Code 42-223(b).

King Creek Grazing Association Transfer



2013 Imagery

Map Prepared by Cooper Fritz



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10/29/2015

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KING CREEK GRAZING ASSN TIM MUNNS PO BOX 670 SNOWVILLE, UT 84336 (435)872-8292

Status: Active

Tributary
PORTNEUF RIVER

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
04/15	09/15	0.480 CFS
Total Diversion		0.480 CFS

TOPONCE CREEK	L11(SENESW)	Sec. 34, Twp 06S, Rge 38E,	CARIBOU County
TOPONCE CREEK	L12(NENWSW)	Sec. 35, Twp 06S, Rge 38E,	CARIBOU County
TOPONCE CREEK	NWSWSE	Sec. 33, Twp 06S, Rge 38E,	CARIBOU County

IRRIGATION within CARIBOU 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
06S	38E	26									20.0 L11	37.0 L12	39.0 L13						96.0
06S	38E	35	40.0 L1	41.0 L2			41.0 L3	40.0 L4											162.0
06S	38E	36		39.0 L2			39.0 L3	39.0 L4											117.0

POU Total Acres 375.0

1. X35 Rights 29-91B, 29-93B, 29-107B, 29-10327, 29-10329, 29-10330, 29-10332, 29-13231, and 29-13232 when combined shall not exceed a total diversion rate of 7.56 cfs and the irrigation of 375 acres.
2. 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. 29.
3. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

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4. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date 9/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/7/2005.
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 lands above.
6. X36 Rights 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 and 29-107B are all diverted through the points of diversion described above.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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. 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: 7/7/2005
Civil Case Number: 39576
Judicial District: FIFTH
Water District Number: 29
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
7.560		375.0
29-10332 ,29-10327 ,29-93B ,29-91B ,29-107B ,29-10330 ,29-10329 ,29-13231 ,29-13232		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		375.0
29-10332 ,29-10327 ,29-93B ,29-91B ,29-107B ,29-10330 ,29-10329 ,29-13231 ,29-13232 ,29-10331		

SubCase:

SubCaseNumber: 29-91B
Class: 1
SF5 Filed Date: 4/18/2005
Special Master Recom Signed Date: 5/17/2005
Attorney Assigned:
Adjudication Agent: Cindy Bird
Basis of Claim: Decreed
Date Filed:
Objection Status:

Water Supply Bank:

N/A

10/29/2015

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KING CREEK GRAZING ASSN TIM MUNNS PO BOX 670 SNOWVILLE, UT 84336 (435)872-8292

Status: Active

Tributary
PORTNEUF RIVER

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
04/15	09/15	0.100 CFS
Total Diversion		0.100 CFS

TOPONCE CREEK	L11(SENESW)	Sec. 34, Twp 06S, Rge 38E,	CARIBOU County
TOPONCE CREEK	NWSWSE	Sec. 33, Twp 06S, Rge 38E,	CARIBOU County
TOPONCE CREEK	L6(SWSENW)	Sec. 35, Twp 06S, Rge 38E,	CARIBOU County
TOPONCE CREEK	L11(NWNESW)	Sec. 35, Twp 06S, Rge 38E,	CARIBOU County

IRRIGATION within CARIBOU 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
06S	38E	26									20.0 L11	37.0 L12	39.0 L13						96.0
06S	38E	35	40.0 L1	41.0 L2			41.0 L3	40.0 L4											162.0
06S	38E	36		39.0 L2			39.0 L3	39.0 L4											117.0

POU Total Acres: 375.0

1. X35 Rights 29-91B, 29-93B, 29-107B, 29-10327, 29-10329, 29-10330, 29-10332, 29-13231, and 29-13232 when combined shall not exceed a total diversion rate of 7.56 cfs and the irrigation of 375 acres.
2. 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. 29.
3. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The

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- means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
4. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date 9/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/7/2005.
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 lands above.
6. X36 Rights 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 and 29-107B are all diverted through the points of diversion described above.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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. 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: 7/7/2005
Civil Case Number: 39576
Judicial District: FIFTH
Water District Number: 29
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
7.560		375.0
29-10332 ,29-10327 ,29-93B ,29-91B ,29-107B ,29-10330 ,29-10329 ,29-13231 ,29-13232		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		375.0
29-10332 ,29-10327 ,29-93B ,29-91B ,29-107B ,29-10330 ,29-10329 ,29-13231 ,29-13232 ,29-10331		

SubCase:

SubCaseNumber: 29-93B
Class: 1
SF5 Filed Date: 4/18/2005
Special Master Recom Signed Date: 5/17/2005
Attorney Assigned:
Adjudication Agent: Cindy Bird
Basis of Claim: Decreed
Date Filed:
Objection Status:

Water Supply Bank:

N/A

10/29/2015

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KING CREEK GRAZING ASSN TIM MUNNS PO BOX 670 SNOWVILLE, UT 84336 (435)872-8292

Status: Active

Tributary
PORTNEUF RIVER

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
04/15	09/15	0.600 CFS
Total Diversion		0.600 CFS

TOPONCE CREEK	L11(SENESW)	Sec. 34, Twp 06S, Rge 38E,	CARIBOU County
TOPONCE CREEK	NWSWSE	Sec. 33, Twp 06S, Rge 38E,	CARIBOU County
TOPONCE CREEK	L12(NENWSW)	Sec. 35, Twp 06S, Rge 38E,	CARIBOU County

IRRIGATION within CARIBOU 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
06S	38E	26									20.0 L11	37.0 L12	39.0 L13						96.0
06S	38E	35	40.0 L1	41.0 L2			41.0 L3	40.0 L4											162.0
06S	38E	36		39.0 L2			39.0 L3	39.0 L4											117.0

POU Total Acres: 375.0

1. X27 The total acreage irrigated is limited to 41.0 acres in a single irrigation season.
2. X35 Rights 29-91B, 29-93B, 29-107B, 29-10327, 29-10329, 29-10330, 29-10332, 29-13231, and 29-13232 when combined shall not exceed a total diversion rate of 7.56 cfs and the irrigation of 375 acres.
3. 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. 29.
4. T18 Prior to diversion of water under this approval, the right holder shall provide a means of

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- measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
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 lands above.
6. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date 9/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/7/2005.
7. X36 Rights 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 and 29-107B are all diverted through the points of diversion described above.
8. D03 This priority date is more accurately described as June 17, 1902 noon.
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: 7/7/2005

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Water District Number: 29

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>
7.560		375.0
29-10332 ,29-10327 ,29-93B ,29-91B ,29-107B ,29-10330 ,29-10329 ,29-13231 ,29-13232		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		375.0
29-10332 ,29-10327 ,29-93B ,29-91B ,29-107B ,29-10330 ,29-10329 ,29-13231 ,29-13232 ,29-10331		

SubCase:

SubCaseNumber: 29-107B

Class: 1

SF5 Filed Date: 4/18/2005

Special Master Recom Signed Date: 5/17/2005

Attorney Assigned:

Adjudication Agent: Cindy Bird

Basis of Claim: Decreed

10/29/2015

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KING CREEK GRAZING ASSN TIM MUNNS PO BOX 670 SNOWVILLE, UT 84336 (435)872-8292

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Dates and Other Information

Decreed Date: 7/7/2005
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 29
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>
7.560		375.0
29-10332 ,29-10327 ,29-93B ,29-91B ,29-107B ,29-10330 ,29-10329 ,29-13231 ,29-13232		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		375.0
29-10332 ,29-10327 ,29-93B ,29-91B ,29-107B ,29-10330 ,29-10329 ,29-13231 ,29-13232 ,29-10331		

SubCase:

SubCaseNumber: 29-10327
Class: 1
SF5 Filed Date: 4/18/2005
Special Master Recom Signed Date: 5/17/2005
Attorney Assigned:
Adjudication Agent: Cindy Bird
Basis of Claim: Decreed
Date Filed:
Objection Status:

Water Supply Bank:

N/A

10/29/2015

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KING CREEK GRAZING ASSN TIM MUNNS PO BOX 670 SNOWVILLE, UT 84336 (435)872-8292

Status: Active

Volume

TOPONCE CREEK	L11(SENESW)	Sec. 34, Twp 06S, Rge 38E,	CARIBOU County
TOPONCE CREEK	NWSWSE	Sec. 33, Twp 06S, Rge 38E,	CARIBOU County
TOPONCE CREEK	L12(NENWSW)	Sec. 35, Twp 06S, Rge 38E,	CARIBOU County

[illegible]

1. X35 Rights 29-91B, 29-93B, 29-107B, 29-10327, 29-10329, 29-10330, 29-10332, 29-13231, and 29-13232 when combined shall not exceed a total diversion rate of 7.56 cfs and the irrigation of 375 acres.
2. 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. 29.
3. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the

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- diversions and acceptable to the watermaster.
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 lands above.
5. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date 9/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/7/2005.
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Dates and Other Information

Decreed Date: 7/7/2005
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 29
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
7.560		375.0
29-10332 ,29-10327 ,29-93B ,29-91B ,29-107B ,29-10330 ,29-10329 ,29-13231 ,29-13232		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		375.0
29-10332 ,29-10327 ,29-93B ,29-91B ,29-107B ,29-10330 ,29-10329 ,29-13231 ,29-13232 ,29-10331		

SubCase:

SubCaseNumber: 29-10329
Class: 1
SF5 Filed Date: 4/18/2005
Special Master Recom Signed Date: 5/17/2005
Attorney Assigned:
Adjudication Agent: Cindy Bird
Basis of Claim: Decreed
Date Filed:
Objection Status:

Water Supply Bank:

N/A

10/29/2015

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KING CREEK GRAZING ASSN TIM MUNNS PO BOX 670 SNOWVILLE, UT 84336 (435)872-8292

80176

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/29/2015

- diversions and acceptable to the watermaster.
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 lands above.
5. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date 9/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/7/2005.
6. X36 Rights 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 and 29-107B are all diverted through the points of diversion described above.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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. 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: 7/7/2005
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 29
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
7.560		375.0
29-10332 ,29-10327 ,29-93B ,29-91B ,29-107B ,29-10330 ,29-10329 ,29-13231 ,29-13232		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		375.0
29-10332 ,29-10327 ,29-93B ,29-91B ,29-107B ,29-10330 ,29-10329 ,29-13231 ,29-13232 ,29-10331		

SubCase:

SubCaseNumber: 29-10330
Class: 1
SF5 Filed Date: 4/18/2005
Special Master Recom Signed Date: 5/17/2005
Attorney Assigned:
Adjudication Agent: Cindy Bird
Basis of Claim: Decreed
Date Filed:
Objection Status:

Water Supply Bank:

N/A

10/29/2015

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KING CREEK GRAZING ASSN TIM MUNNS PO BOX 670 SNOWVILLE, UT 84336 (435)872-8292

Volume

TOPONCE CREEK	L11(SENESW)	Sec. 34, Twp 06S, Rge 38E,	CARIBOU County
TOPONCE CREEK	NWSWSE	Sec. 33, Twp 06S, Rge 38E,	CARIBOU County
TOPONCE CREEK	L12(NENWSW)	Sec. 35, Twp 06S, Rge 38E,	CARIBOU County

IRRIGATION within CARIBOU County

[illegible]

Right Acra Limit 157.2

POU Total Acres: 375.0

Conditions of Approval:

1. X35 Rights 29-10331 and 29-10332 when combined shall not exceed a total diversion rate of 3.14 cfs and the irrigation of 157.4 acres.
2. Rights 29-91B, 29-93B, 29-107B, 29-10327, 29-10329, 29-10330, 29-10332, 29-13231, and 29-13232 when combined shall not exceed a total diversion rate of 7.56 cfs and the irrigation of 375 acres.
3. 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. 29.

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4. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
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 lands above.
6. X36 Rights 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 and 29-107B are all diverted through the points of diversion described above.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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. 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: 7/7/2005
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 29
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>
		375.0
29-10332 ,29-10327 ,29-93B ,29-91B ,29-107B ,29-10330 ,29-10329 ,29-13231 ,29-13232 ,29-10331		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.140		157.0
29-10332 ,29-10331		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.140		157.4
31-10332 ,29-10331		

SubCase:

SubCaseNumber: 29-10331
Class: 2
SF5 Filed Date: 4/18/2005
Special Master Recom Signed Date: 5/17/2005
Attorney Assigned:
Adjudication Agent: Cindy Bird
Basis of Claim: Decreed
Date Filed: 11/14/2003

10/29/2015

Water Right 29-13231

Priority Date: 7/1/1906

Basis: Decreed

Status: Active

Tributary
PORTNEUF RIVER

Volume

Source and Point(s) of Diversion

TOPONCE CREEK	L11(SENESW)	Sec. 34, Twp 06S, Rge 38E,	CARIBOU County
TOPONCE CREEK	NWSWSE	Sec. 33, Twp 06S, Rge 38E,	CARIBOU County
TOPONCE CREEK	L12(NENWSW)	Sec. 35, Twp 06S, Rge 38E,	CARIBOU County

Place Of Use

IRRIGATION within CARIBOU County

[illegible]

PQU Total Acres 375.0

Conditions of Approval:

- | | | |
|----|-----|--|
| 1. | X35 | Rights 29-91B, 29-93B, 29-107B, 29-10327, 29-10329, 29-10330, 29-10332, 29-13231, and 29-13232 when combined shall not exceed a total diversion rate of 7.56 cfs and the irrigation of 375 acres. |
| 2. | 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. 29. |
| 3. | T18 | Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the |

IDAHO DEPARTMENT OF WATER RESOURCES
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- diversions and acceptable to the watermaster.
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 lands above.
 5. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date 9/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/7/2005.
 6. X36 Rights 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 and 29-107B are all diverted through the points of diversion described above.
 7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 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. 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: 7/7/2005
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 29
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
7.560		375.0
29-10332 ,29-10327 ,29-93B ,29-91B ,29-107B ,29-10330 ,29-10329 ,29-13231 ,29-13232		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		375.0
29-10332 ,29-10327 ,29-93B ,29-91B ,29-107B ,29-10330 ,29-10329 ,29-13231 ,29-13232 ,29-10331		

SubCase:

SubCaseNumber: 29-13231
Class: 1
SF5 Filed Date: 4/18/2005
Special Master Recom Signed Date: 5/17/2005
Attorney Assigned:
Adjudication Agent: Cindy Bird
Basis of Claim: Decreed
Date Filed:
Objection Status:

Water Supply Bank:

N/A

10/29/2015

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KING CREEK GRAZING ASSN TIM MUNNS PO BOX 670 SNOWVILLE, UT 84336 (435)872-8292

Volume

TOPONCE CREEK	L11(SENESW)	Sec. 34, Twp 06S, Rge 38E,	CARIBOU County
TOPONCE CREEK	NWSWE	Sec. 33, Twp 06S, Rge 38E,	CARIBOU County
TOPONCE CREEK	L12(NENWSW)	Sec. 35, Twp 06S, Rge 38E,	CARIBOU County

IRRIGATION within CARIBOU County

[illegible]

POU Total Acres: 375.0

Conditions of Approval:

1. X35 Rights 29-91B, 29-93B, 29-107B, 29-10327, 29-10329, 29-10330, 29-10332, 29-13231, and 29-13232 when combined shall not exceed a total diversion rate of 7.56 cfs and the irrigation of 375 acres.
2. 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. 29.
3. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the

IDAHO DEPARTMENT OF WATER RESOURCES
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10/29/2015

- diversions and acceptable to the watermaster.
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 lands above.
5. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date 9/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/7/2005.
6. X36 Rights 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 and 29-107B are all diverted through the points of diversion described above.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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. 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: 7/7/2005

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Water District Number: 29

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
7.560		375.0
29-10332 ,29-10327 ,29-93B ,29-91B ,29-107B ,29-10330 ,29-10329 ,29-13231 ,29-13232		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		375.0
29-10332 ,29-10327 ,29-93B ,29-91B ,29-107B ,29-10330 ,29-10329 ,29-13231 ,29-13232 ,29-10331		

SubCase:

SubCaseNumber: 29-13232

Class: 1

SF5 Filed Date: 4/18/2005

Special Master Recom Signed Date: 5/17/2005

Attorney Assigned:

Adjudication Agent: Cindy Bird

Basis of Claim: Decreed

Date Filed:

Objection Status:

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/6/2015

Water Right 29-10332

Owner Type **Name and Address**
Current Owner KING CREEK GRAZING ASSN
TIM MUNNS
PO BOX 670
SNOWVILLE, UT 84336
(435)872-8292

Priority Date: 7/6/1868

Basis: Decreed

Status: Active

Source
UNNAMED STREAM

Tributary
TOPONCE CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.500 CFS	
	Total Diversion		0.500 CFS	

Source and Point(s) of Diversion

UNNAMED STREAM	L3(NWNENW)	Sec. 36, Twp 06S, Rge 38E, CARIBOU County
UNNAMED STREAM	L1(NENENE)	Sec. 35, Twp 06S, Rge 38E, CARIBOU County
UNNAMED STREAM	L2(SWNWNE)	Sec. 36, Twp 06S, Rge 38E, CARIBOU County

Place Of Use

IRRIGATION within CARIBOU County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	38E	35	8.8 L1																8.8
06S	38E	36		29.0 L2			27.0 L3	23.0 L4											79.0

POU Total Acres: 87.8

Conditions of Approval:

1. E56 Use of the rights listed below is limited to the irrigation of a combined total of 375 acres in a single irrigation season. Combined Right Nos.: 29-91B, 29-93B, 29-107B, 29-10327, 29-10329, 29-10330, 29-10331, 29-10332, 29-13231 and 29-13232.
2. B01 SOURCE IS ALSO KNOWN AS NORTH FORK OF TOPONCE CREEK.
3. 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.
4. P29 THIS RIGHT IS A PORTION OF OLD RIGHT NO.29-234.
5. E52 Use of the rights listed below is limited to a total combined diversion rate of 3.14 cfs. Combined Right Nos.: 29-10331 and 29-10332
6. E55 Use of the rights listed below is limited to the irrigation of a combined total of 157 acres

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/6/2015

7. C02 in a single irrigation season. Combined Right Nos.: 29-10331 and 29-10332.
Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

Comments:

1. ecarlsen 11/15/2004 version 2, SF5
According to the claimant when the King Creek pipeline was built the branch of Toponce creek that historically flowed through the claimants property dried up. However there were a series of springs that flowed into the old channel on his property. These springs and the resulting stream have been diverted as part of decreed rights 29-234 and 29-252. This recommendation is intended to reflect the water diverted and land irrigated from this unnamed stream.
2. ecarlsen 1/4/2005 sf5, version 2
Based on discussions with the claimant and water master, Steve Hebdon, it was decided this claim represents the historical use of water rising on the property that has always been considered a part of 29-234.

Dates and Other Information

Decreed Date: 7/7/2005
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
7.560		375.0
29-10332 ,29-10327 ,29-93B ,29-91B ,29-107B ,29-10330 ,29-10329 ,29-13231 ,29-13232		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		375.0
29-10332 ,29-10327 ,29-93B ,29-91B ,29-107B ,29-10330 ,29-10329 ,29-13231 ,29-13232 ,29-10331		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.140		157.0
29-10332 ,29-10331		

SubCase:

SubCaseNumber: 29-10332
Class: 2
SF5 Filed Date: 4/18/2005
Special Master Recom Signed Date: 5/17/2005
Attorney Assigned:
Adjudication Agent: Cindy Bird
Basis of Claim: Beneficial Use
Date Filed: 11/14/2003
Objection Status: Active

Water Supply Bank:

N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED

MAY 14 2015

Department of Water Resources

Eastern Region

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) King Creek Grazing Assn, Inc.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 14 2015

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) King Creek Grazing Assn, Inc.

Phone 435-872-8292

Mailing address PO Box 670, Snowville, UT 84336

Email tmunns@wildblue.net

- ☐ 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 Thomas J. Budge, Attorney

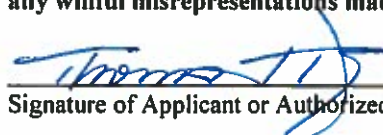
Phone 208-232-6101

Mailing address PO Box 1391, Pocatello, ID 83204

Email tjb@racinelaw.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.


Signature of Applicant or Authorized Representative

Thomas J. Budge, Attorney
Print Name and Title if applicable

5.11.15
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.
Transfer a 28.5-acre portion of water rights 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B,
29-10330, and 29-93B to an adjoining field owned by Applicant.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	29-10331	3.14	Irrigation	4/1 to 10/31	Unnamed Stream/Toponce Cr
☐ ☒	29-107B	0.06	Irrigation	4/15 to 9/15	Toponce Cr./Portneuf River
☐ ☒	29-10327	2.99	Irrigation	4/15 to 9/15	Toponce Cr./Portneuf River
☐ ☒	29-13231	0.07	Irrigation	4/15 to 9/15	Toponce Cr./Portneuf River
☐ ☒	29-13232	0.11	Irrigation	4/15 to 9/15	Toponce Cr./Portneuf River
☐ ☒	29-10329	0.30	Irrigation	4/15 to 9/15	Toponce Cr./Portneuf River
☐ ☒	29-91B	0.48	Irrigation	4/15 to 9/15	Toponce Cr./Portneuf River
☐ ☒	29-10330	0.15	Irrigation	4/15 to 9/15	Toponce Cr./Portneuf River
☐ ☒	29-93B	0.10	Irrigation	4/15 to 9/15	Toponce Cr./Portneuf River

Total authorized under rights 7.94 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.71 cubic feet per second and/or _____ acre-feet per annum.

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	
6S	38E	26												28.5					28.5
Total Acres (for irrigation use)																			28.5

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:

No change to existing diversion from Toponce Creek

- 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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Land from which water is being transferred will no longer be irrigated.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

None

- f. 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:

Inadequate water supply periodically prevents Applicant from irrigating entire authorized place of use. This does not result in forfeiture under Idaho Code 42-223(b).

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-10331

Current Owner: KING CREEK GRAZING ASSN

Priority Date: 7/6/1868

Origin: Water Right

Status: Active

Basis: Decreed

Source

TOPONCE CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

3.14 CFS

Annual Volume

Total Diversion

3.14 CFS

Location of Point(s) of Diversion

TOPONCE CREEK

L11(SE1/4NE1/4SW1/4)

Sec. 34, Twp 06S, Rge 38E B.M.

CARIBOU County

TOPONCE CREEK

NW1/4SW1/4SE1/4

Sec. 33, Twp 06S, Rge 38E B.M.

CARIBOU County

TOPONCE CREEK

L12(NE1/4NW1/4SW1/4)

Sec. 35, Twp 06S, Rge 38E B.M.

CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T06S R38E S26	Lot 11	NESW	20.00	T06S R38E S26	Lot 12	NWSW	37.00
T06S R38E S26	Lot 13	SWSW	39.00	T06S R38E S35	Lot 1	NENE	40.00
T06S R38E S35	Lot 2	NWNE	41.00	T06S R38E S35	Lot 3	NENW	41.00
T06S R38E S35	Lot 4	NWNW	40.00	T06S R38E S36	Lot 2	NWNE	39.00
T06S R38E S36	Lot 3	NENW	39.00	T06S R38E S36	Lot 4	NWNW	39.00

Total Acres: 375

Page _____ of _____

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. 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.
3. 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. 29.
4. 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.
5. X35 Rights 29-10331 and 29-10332 when combined shall not exceed a total diversion rate of 3.14 cfs and the irrigation of 157.4 acres.
6. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. X36 Rights 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 and 29-107B are all diverted through the points of diversion described above.
8. Rights 29-91B, 29-93B, 29-107B, 29-10327, 29-10329, 29-10330, 29-10332, 29-13231, and 29-13232 when combined shall not exceed a total diversion rate of 7.56 cfs and the irrigation of 375 acres.
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.

Decreed Date: 7/7/2005

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-107b

Current Owner: KING CREEK GRAZING ASSN
Priority Date: 6/17/1902
Origin: Water Right
Status: Active
Basis: Decreed

Source

TOPONCE CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 09/15

Diversion Rate

0.6 CFS

Annual Volume

Total Diversion

0.6 CFS

Location of Point(s) of Diversion

TOPONCE CREEK

L11(SE1/4NE1/4SW1/4)

Sec. 34, Twp 06S, Rge 38E B.M.

CARIBOU County

TOPONCE CREEK

NW1/4SW1/4SE1/4

Sec. 33, Twp 06S, Rge 38E B.M.

CARIBOU County

TOPONCE CREEK

L12(NE1/4NW1/4SW1/4)

Sec. 35, Twp 06S, Rge 38E B.M.

CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T06S R38E S26	Lot 11	NESW	20.00	T06S R38E S26	Lot 12	NWSW	37.00
T06S R38E S26	Lot 13	SWSW	39.00	T06S R38E S35	Lot 1	NENE	40.00
T06S R38E S35	Lot 2	NWNE	41.00	T06S R38E S35	Lot 3	NENW	41.00
T06S R38E S35	Lot 4	NWNW	40.00	T06S R38E S36	Lot 2	NWNE	39.00
T06S R38E S36	Lot 3	NENW	39.00	T06S R38E S36	Lot 4	NWNW	39.00

Total Acres: 375

80176

Conditions of Approval:

1. 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.
2. X36 Rights 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 and 29-107B are all diverted through the points of diversion described above.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. X35 Rights 29-91B, 29-93B, 29-107B, 29-10327, 29-10329, 29-10330, 29-10332, 29-13231, and 29-13232 when combined shall not exceed a total diversion rate of 7.56 cfs and the irrigation of 375 acres.
5. X27 The total acreage irrigated is limited to 41.0 acres in a single irrigation season.
6. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date 9/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/7/2005.
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.
8. 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. 29.
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. D03 This priority date is more accurately described as June 17, 1902 noon.
11. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Decreed Date: 7/7/2005

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-10327

Current Owner: KING CREEK GRAZING ASSN

Priority Date: 6/18/1902

Origin: Water Right

Status: Active

Basis: Decreed

Source

TOPONCE CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 09/15

Diversion Rate

2.99 CFS

Annual Volume

Total Diversion

2.99 CFS

Location of Point(s) of Diversion

TOPONCE CREEK

L11(SE1/4NE1/4SW1/4)

Sec. 34, Twp 06S, Rge 38E B.M.

CARIBOU County

TOPONCE CREEK

L11(NW1/4NE1/4SW1/4)

Sec. 35, Twp 06S, Rge 38E B.M.

CARIBOU County

TOPONCE CREEK

NW1/4SW1/4SE1/4

Sec. 33, Twp 06S, Rge 38E B.M.

CARIBOU County

TOPONCE CREEK

L6(SW1/4SE1/4NW1/4)

Sec. 35, Twp 06S, Rge 38E B.M.

CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T06S R38E S26	NESW	20.00	T06S R38E S26	NWSW	37.00
T06S R38E S26	SWSW	39.00	T06S R38E S35	NENE	40.00
T06S R38E S35	NWNE	41.00	T06S R38E S35	NENW	41.00
T06S R38E S35	NWNW	40.00	T06S R38E S36	NWNE	39.00
T06S R38E S36	NENW	39.00	T06S R38E S36	NWNW	39.00

Total Acres: 375

80176

Page _____ of _____

Conditions of Approval:

1. 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.
2. X35 Rights 29-91B, 29-93B, 29-107B, 29-10327, 29-10329, 29-10330, 29-10332, 29-13231, and 29-13232 when combined shall not exceed a total diversion rate of 7.56 cfs and the irrigation of 375 acres.
3. X36 Rights 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 and 29-107B are all diverted through the points of diversion described above.
4. 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.
5. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. 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. 29
8. 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.
9. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date 9/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/7/2005
10. X27 The total acreage irrigated is limited to 135.0 acres in a single irrigation season.

Decreed Date: 7/7/2005

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-13231

Current Owner: KING CREEK GRAZING ASSN
Priority Date: 7/1/1906
Origin: Water Right
Status: Active
Basis: Decreed

Source

TOPONCE CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 09/15

Diversion Rate

0.07 CFS

Annual Volume

Total Diversion

0.07 CFS

Location of Point(s) of Diversion

TOPONCE CREEK

L11(SE1/4NE1/4SW1/4)

Sec. 34, Twp 06S, Rge 38E B.M.

CARIBOU County

TOPONCE CREEK

NW1/4SW1/4SE1/4

Sec. 33, Twp 06S, Rge 38E B.M.

CARIBOU County

TOPONCE CREEK

L12(NE1/4NW1/4SW1/4)

Sec. 35, Twp 06S, Rge 38E B.M.

CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T06S R38E S26	Lot 11	NESW	20.00	T06S R38E S26	Lot 12	NWSW	37.00
T06S R38E S26	Lot 13	SWSW	39.00	T06S R38E S35	Lot 1	NENE	40.00
T06S R38E S35	Lot 2	NWNE	41.00	T06S R38E S35	Lot 3	NENW	41.00
T06S R38E S35	Lot 4	NWNW	40.00	T06S R38E S36	Lot 2	NWNE	39.00
T06S R38E S36	Lot 3	NENW	39.00	T06S R38E S36	Lot 4	NWNW	39.00

Total Acres: 375

Page _____ of _____

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. X36 Rights 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 and 29-107B are all diverted through the points of diversion described above.
3. 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.
4. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
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. 29.
6. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date 9/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/7/2005.
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.
8. X35 Rights 29-91B, 29-93B, 29-107B, 29-10327, 29-10329, 29-10330, 29-10332, 29-13231, and 29-13232 when combined shall not exceed a total diversion rate of 7.56 cfs and the irrigation of 375 acres.
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.

Decreed Date: 7/7/2005

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-13232

Current Owner: KING CREEK GRAZING ASSN

Priority Date: 7/1/1907

Origin: Water Right

Status: Active

Basis: Decreed

Source

TOPONCE CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 09/15

Diversion Rate

0.11 CFS

Annual Volume

Total Diversion

0.11 CFS

Location of Point(s) of Diversion

TOPONCE CREEK

L11(SE1/4NE1/4SW1/4)

Sec. 34, Twp 06S, Rge 38E B.M.

CARIBOU County

TOPONCE CREEK

NW1/4SW1/4SE1/4

Sec. 33, Twp 06S, Rge 38E B.M.

CARIBOU County

TOPONCE CREEK

L12(NE1/4NW1/4SW1/4)

Sec. 35, Twp 06S, Rge 38E B.M.

CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T06S R38E S26	Lot 11	NESW	20.00	T06S R38E S26	Lot 12	NWSW	37.00
T06S R38E S26	Lot 13	SWSW	39.00	T06S R38E S35	Lot 1	NENE	40.00
T06S R38E S35	Lot 2	NWNE	41.00	T06S R38E S35	Lot 3	NENW	41.00
T06S R38E S35	Lot 4	NWNW	40.00	T06S R38E S36	Lot 2	NWNE	39.00
T06S R38E S36	Lot 3	NENW	39.00	T06S R38E S36	Lot 4	NWNW	39.00

Total Acres: 375

80176

Page _____ of _____

Conditions of Approval:

1. 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.
2. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
3. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date 9/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/7/2005.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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 aia per acre at the field headgate for irrigation of the lands above.
6. 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. 29.
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.
8. X36 Rights 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 and 29-107B are all diverted through the points of diversion described above.
9. X35 Rights 29-91B, 29-93B, 29-107B, 29-10327, 29-10329, 29-10330, 29-10332, 29-13231, and 29-13232 when combined shall not exceed a total diversion rate of 7.56 cfs and the irrigation of 375 acres.

Decreed Date: 7/7/2005

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-10329

Current Owner: KING CREEK GRAZING ASSN

Priority Date: 7/1/1908

Origin: Water Right

Status: Active

Basis: Decreed

Source

TOPONCE CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 09/15

Diversion Rate

0.3 CFS

Annual Volume

Total Diversion

0.3 CFS

Location of Point(s) of Diversion

TOPONCE CREEK

L11(SE1/4NE1/4SW1/4)

Sec. 34, Twp 06S, Rge 38E B.M.

CARIBOU County

TOPONCE CREEK

NW1/4SW1/4SE1/4

Sec. 33, Twp 06S, Rge 38E B.M.

CARIBOU County

TOPONCE CREEK

L12(NE1/4NW1/4SW1/4)

Sec. 35, Twp 06S, Rge 38E B.M.

CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T06S R38E S26	Lot 11	NESW	20.00	T06S R38E S26	Lot 12	NWSW	37.00
T06S R38E S26	Lot 13	SWSW	39.00	T06S R38E S35	Lot 1	NENE	40.00
T06S R38E S35	Lot 2	NWNE	41.00	T06S R38E S35	Lot 3	NENW	41.00
T06S R38E S35	Lot 4	NWNW	40.00	T06S R38E S36	Lot 2	NWNE	39.00
T06S R38E S36	Lot 3	NENW	39.00	T06S R38E S36	Lot 4	NWNW	39.00

Total Acres: 375

Page _____ of _____

Conditions of Approval:

1. X36 Rights 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 and 29-107B are all diverted through the points of diversion described above.
2. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
3. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date 9/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/7/2005.
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 lands above.
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. 29.
6. X35 Rights 29-91B, 29-93B, 29-107B, 29-10327, 29-10329, 29-10330, 29-10332, 29-13231, and 29-13232 when combined shall not exceed a total diversion rate of 7.56 cfs and the irrigation of 375 acres.
7. 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.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. 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.

Decreed Date: 7/7/2005

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-91B

Current Owner: KING CREEK GRAZING ASSN

Priority Date: 7/1/1909

Origin: Water Right

Status: Active

Basis: Decreed

Source

TOPONCE CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 09/15

Total Diversion

Diversion Rate

0.48 CFS

0.48 CFS

Annual Volume

Location of Point(s) of Diversion

TOPONCE CREEK

L11(SE1/4NE1/4SW1/4)

Sec. 34, Twp 06S, Rge 38E B.M.

CARIBOU County

TOPONCE CREEK

L12(NE1/4NW1/4SW1/4)

Sec. 35, Twp 06S, Rge 38E B.M.

CARIBOU County

TOPONCE CREEK

NW1/4SW1/4SE1/4

Sec. 33, Twp 06S, Rge 38E B.M.

CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T06S R38E S26	Lot 11	NESW	20.00	T06S R38E S26	Lot 12	NWSW	37.00
T06S R38E S26	Lot 13	SWSW	39.00	T06S R38E S35	Lot 1	NENE	40.00
T06S R38E S35	Lot 2	NWNE	41.00	T06S R38E S35	Lot 3	NENW	41.00
T06S R38E S35	Lot 4	NWNW	40.00	T06S R38E S36	Lot 2	NWNE	39.00
T06S R38E S36	Lot 3	NENW	39.00	T06S R38E S36	Lot 4	NWNW	39.00

Total Acres: 375

Page _____ of _____

Conditions of Approval:

1. X36 Rights 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 and 29-107B are all diverted through the points of diversion described above.
2. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date 9/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/7/2005.
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 lands above.
6. 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.
7. 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.
8. X35 Rights 29-91B, 29-93B, 29-107B, 29-10327, 29-10329, 29-10330, 29-10332, 29-13231, and 29-13232 when combined shall not exceed a total diversion rate of 7.56 cfs and the irrigation of 375 acres.
9. 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. 29.

Decreed Date: 7/7/2005

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-10330

Current Owner: KING CREEK GRAZING ASSN

Priority Date: 7/1/1910

Origin: Water Right

Status: Active

Basis: Decreed

Source

TOPONCE CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 09/15

Diversion Rate

0.15 CFS

Annual Volume

Total Diversion

0.15 CFS

Location of Point(s) of Diversion

TOPONCE CREEK

L11(SE1/4NE1/4SW1/4)

Sec. 34, Twp 06S, Rge 38E B.M.

CARIBOU County

TOPONCE CREEK

NW1/4SW1/4SE1/4

Sec. 33, Twp 06S, Rge 38E B.M.

CARIBOU County

TOPONCE CREEK

L12(NE1/4NW1/4SW1/4)

Sec. 35, Twp 06S, Rge 38E B.M.

CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T06S R38E S26	Lot 11	NESW	20.00	T06S R38E S26	Lot 12	NWSW	37.00
T06S R38E S26	Lot 13	SWSW	39.00	T06S R38E S35	Lot 1	NENE	40.00
T06S R38E S35	Lot 2	NWNE	41.00	T06S R38E S35	Lot 3	NENW	41.00
T06S R38E S35	Lot 4	NWNW	40.00	T06S R38E S36	Lot 2	NWNE	39.00
T06S R38E S36	Lot 3	NENW	39.00	T06S R38E S36	Lot 4	NWNW	39.00

Total Acres: 375

Page _____ of _____

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. 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.
3. 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.
4. 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.
5. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date 9/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/7/2005.
6. X36 Rights 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 and 29-107B are all diverted through the points of diversion described above.
7. 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. 29.
8. X35 Rights 29-91B, 29-93B, 29-107B, 29-10327, 29-10329, 29-10330, 29-10332, 29-13231, and 29-13232 when combined shall not exceed a total diversion rate of 7.56 cfs and the irrigation of 375 acres.
9. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Decreed Date: 7/7/2005

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-93B

Current Owner: KING CREEK GRAZING ASSN

Priority Date: 7/1/1913

Origin: Water Right

Status: Active

Basis: Decreed

Source

TOPONCE CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 09/15

Diversion Rate

0.1 CFS

Annual Volume

Total Diversion

0.1 CFS

Location of Point(s) of Diversion

TOPONCE CREEK

L11(SE1/4NE1/4SW1/4)

Sec. 34, Twp 06S, Rge 38E B.M.

CARIBOU County

TOPONCE CREEK

NW1/4SW1/4SE1/4

Sec. 33, Twp 06S, Rge 38E B.M.

CARIBOU County

TOPONCE CREEK

L6(SW1/4SE1/4NW1/4)

Sec. 35, Twp 06S, Rge 38E B.M.

CARIBOU County

TOPONCE CREEK

L11(NW1/4NE1/4SW1/4)

Sec. 35, Twp 06S, Rge 38E B.M.

CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T06S R38E S26	Lot 11	NESW	20.00	T06S R38E S26	Lot 12	NWSW	37.00
T06S R38E S26	Lot 13	SWSW	39.00	T06S R38E S35	Lot 1	NENE	40.00
T06S R38E S35	Lot 2	NWNE	41.00	T06S R38E S35	Lot 3	NENW	41.00
T06S R38E S35	Lot 4	NWNW	40.00	T06S R38E S36	Lot 2	NWNE	39.00
T06S R38E S36	Lot 3	NENW	39.00	T06S R38E S36	Lot 4	NWNW	39.00

Total Acres: 375

80176 !

Page _____ of _____

Conditions of Approval:

1. X36 Rights 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 and 29-107B are all diverted through the points of diversion described above.
2. 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. 29.
3. 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.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. 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.
6. X35 Rights 29-91B, 29-93B, 29-107B, 29-10327, 29-10329, 29-10330, 29-10332, 29-13231, and 29-13232 when combined shall not exceed a total diversion rate of 7.56 cfs and the irrigation of 375 acres.
7. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date 9/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/7/2005.
8. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
9. 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.

Decreed Date: 7/7/2005

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.

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:

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date 5/14/15

Preliminary check by _____ Date _____

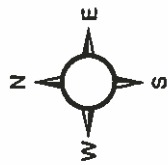
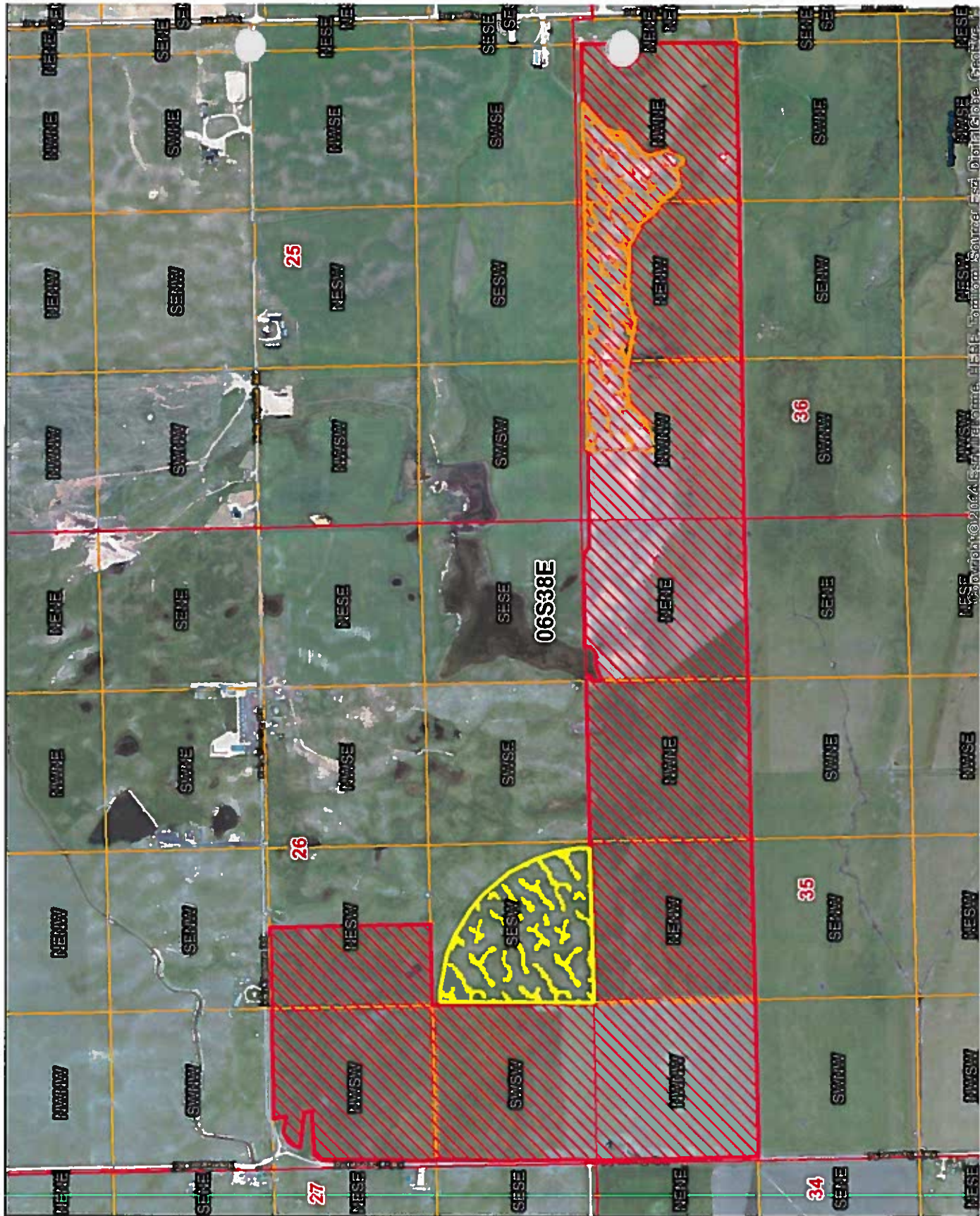
Fee paid \$580 - Date 5/14/15

Received by SL Receipt # ED41027

Add'l fee paid _____ Date _____

Received by _____ Receipt # _____

Attachments #7a and 7b



Legend

	Transfer
	New POU
	29-10331
	29-107B
	29-10327
	29-13231
	29-13232
	29-10329
	29-91B
	29-10330
	29-93B
	TR Lines
	Section Lines
	Quarter Quarters

80176 1

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, my/our true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on my/our behalf.

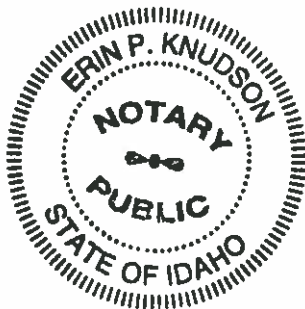
DATED this 25 day of February, 2015.

KING CREEK GRAZING ASSOCIATION, INC.


(Signature)
Tim T. Munns
(Printed name)
Box 670 Snowville UT. 84330
(Address)

STATE OF ~~UTAH~~ IDAHO)
)
)
County of Bernice)

On this 25 day of February, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared Tim T. Munns known to me to be the person whose name is subscribed to the foregoing and acknowledged to me that (s)he executed the same.



Erin P. Knudson
NOTARY PUBLIC FOR ~~UTAH~~ IDAHO
Commission expires: 09-22-17

Instrument # 190042

CARIBOU COUNTY

2-6-2012 02:31:23 No. of Pages: 3

Recorded for : CARIBOU TITLE

VEDA MASCARENAS

Ex-Officio Recorder Deputy

Index to: SPECIAL WARRANTY DEED

Fee: 18.00

S. Hansen

AFTER RECORDING RETURN TO:

Max A. Hansen
P.O. Box 1301
Dillon, MT 59725

SPECIAL WARRANTY DEED

FOR VALUABLE CONSIDERATION, the receipt of which is acknowledged, the undersigned, CRMX-179 LLC, a Montana Limited Liability Company, Grantor, of P.O. Box 1031, Dillon, Montana 59725, hereby grants unto King Creek Grazing Association, Inc., Grantee, of 10385 West 11600 North, Tremonton, Utah, 84337, the following described real property situated in Caribou County, Idaho, and more particularly described as follows:

Caribou County, Idaho:

Township 8 South, Range 38 East of the Boise Meridian:

- Section 4: NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$. EXCEPT THEREFROM, Beginning at The Northeast Corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, and running Thence South 1320 feet, more or less, to the Southeast corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 4;
Thence West 25.0 feet;
Thence North 1320 feet, more or less, to the latitudinal center line of said Section 4;
Thence East 25.0 feet,
To the Point of Beginning.
- Section 8: NE $\frac{1}{4}$ NE $\frac{1}{4}$.
- Section 9: N $\frac{1}{2}$ NW $\frac{1}{4}$.

TOGETHER WITH all improvements, fixtures and appurtenances situate on the above-described property.

FURTHER TOGETHER WITH all easements or interest in easements appurtenant to the real property which are or have been utilized in conjunction with the property for Grantor's benefit.

FURTHER TOGETHER WITH all and singular the hereinbefore described premises, together with all tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rent, issues and profits thereof; and also all the estate, right, title, interest, possession, claim and demand whatsoever, as well in law as in equity, of the Grantor, of, in or to the said premises, and every part and parcel thereof, with appurtenances thereto belonging.

TO HAVE AND TO HOLD unto the Grantee, and to its successors and assigns, forever,
SUBJECT TO THE FOLLOWING:

- a) Reservations and exceptions in patents from the United States and the State of Idaho.
- b) Any and all existing covenants, conditions, restrictions, exceptions, reservations, encumbrances, easements and rights of way, whether or not of record.
- c) Any and all mineral and royalty reservations or conveyances of record, oil and gas leases of record, and mineral leases of record.
- d) County road rights-of-way not recorded and indexed as a conveyance in the office of the Clerk and Recorder of Caribou County, Idaho.
- e) Rights of the public in and to that portion of the premises described herein taken or used for road purposes, if any.
- f) Covenants, conditions, restrictions and reservations contained in all prior deeds of record with respect to the real property described above or any portion thereof.
- g) Liens for any personal property taxes of the vestee or taxes due upon improvements upon said real property that may be a lien upon the real property described herein as provided by Idaho statutes or regulations.
- h) Taxes and assessments for 2012 and subsequent years.

Grantor, for itself and its successors and assigns, expressly limits the covenants of this deed to those herein expressed, and warrants and covenants to grantee only that prior to the execution of this deed, and except as to those encumbrances and conveyances made by Grantor which are included within exceptions (a) through (h) above, Grantor has not conveyed the above-described property, or any right, title or interest therein, to any person other than the Grantees, and that the above-described property is free from encumbrances done, made or suffered by the Grantor or any person claiming under it. Grantor, its successors and assigns, does hereby covenant with the Grantees, their heirs, personal representatives, successors and assigns, to warrant and defend the title to the premises hereby conveyed but only the express terms of this special warranty deed, against the claim of every person whatsoever, claiming by, through or under the said Grantor.

Except for the warranties of title contained herein and subject to limitations hereon contained in this conveyance, Grantee agrees by acceptance of this Special Warranty Deed and its delivery and recording in Caribou County, Idaho, that it expressly accepts the property described above and all of its improvements, fixtures and appurtenances, "as is", "where is", and "with all faults" and without any warranty, express or implied, including the implied warranties of merchantability and fitness for a particular purpose.

DATED EFFECTIVE this 31st day of July, 2012.

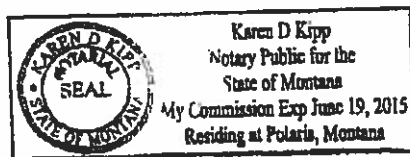
GRANTOR:

CRMX-179 LLC
A Montana Limited Liability Company
By Consolidated Reverse Management, Inc., Sole Member

By 
Max A. Hansen, President

STATE OF Montana)
) ss.
County of Beaverhead)

THIS INSTRUMENT was acknowledged this 31st day July, 2012, by Max A. Hansen, President of Reverse Exchange Services, Inc., Sole Member of CRMX-179 LLC, a Montana Limited Liability Company.




(Signature of Notary Public)
Karen D. Kipp
(Name of Notary Public Printed or Typed)
Notary Public for the State of Montana
Residing at: Polaris
My commission expires: 6/19/2015