

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80094

RECEIVED

APR 22 2015

Department of Water Resources
Eastern Region

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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) Kirk S Egbert

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 #1-10.

- ☐ ☒ #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. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #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 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☒ ☐ #10 Other. Please describe: Summary of Transferred Acres of 31-10964A & 31-7267A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 22 2015
Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Kirk S. Egbert Phone (208) 663-4505
Mailing address 1410 East 1300 North, Terreton, ID 83450 Email kkegbert1985@yahoo.com

- ☐ 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**.

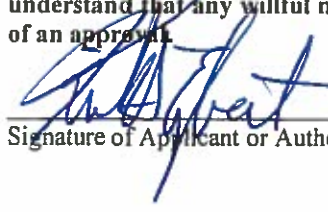
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Rocky Mountain Environmental Associates Inc, Keith C. Wilson Phone 208.524.2353
Mailing address 482 Constitution Way, Suite 303, Idaho Falls, ID 83402 Email keith.rmea@gmail.com

- ☐ 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	<u>Kirk S Egbert</u> Print Name and Title if applicable	<u>4/15/2015</u> 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**.
Applicant is transferring portion water rights 31-10964A & 31-7267A to cover acres irrigated in response to a Notice of Violation and to create a permissible place of use.

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 ☐ ☒	31-10964A	0.03 cfs	Irrigation	4/1 to 10/31	Groundwater
☐ ☒	31-7267A	0.03 cfs	Irrigation	4/1 to 11/01	Ground water
☒ ☐	31-7154A	1.49 cfs	Irrigation	4/1 to 11/01	Ground water
☒ ☐		0.05 cfs	Stockwater	1/1 to 12/31	Ground water
☒ ☐	31-7545	0.80 cfs	Irrigation	4/1 to 10/31	Ground water
☒ ☐	31-12077	0.28 cfs	Irrigation	4/1 to 11/01	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.70 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 2.65 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. (Note: From & To Wells are either in the same or Adjacent Model Cell)

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N		SE	SW	NW	36	6N	34E	Jefferson	Groundwater	

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	
6N	34E	36					32.2	32.3	34.7	31.4									130.6
Total Acres (for irrigation use)																			130.6

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:

Well pump mainline to center pivot. Mainline will be able to accommodate a measuring device.

- b. Who owns the property at the point(s) of diversion? Applicant

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☒ complete Attachment WSB.

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

Water rights in this transfer have been in the Water Supply Bank since 2008

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

31-7154A, 31-7545 & 31-12077

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

Yes No

- | | | |
|-------------------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☒ | ☐ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

Kirk Egbert has leased water rights 31-10964A & 31-7267A into the Water Bank and rented the same water rights.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED
WATER RIGHT NO. 31-10964A

Owner Type	Name and Address
Current Owner	KIRK S EGBERT

Priority Date: 02/25/1959

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	2.74 CFS	805 AFA
Total Diversion			2.74 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSENE Lt 1	Sec. 06	Township 05N	Range 35E	JEFFERSON County
--------------	-------------	---------	--------------	-----------	------------------

IRRIGATION Use: Acre Limit: 23031-10964a

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	35E	5	4	SWNW	30									
				NWSW	32									
		6	2	SWNE	40	1	SENE	40						
			3	SENE	40									
				NESW	40									
				NESE	40		NWSE	40						

Total Acres: 302 IRRIGATION Use: Acre Limit: 230

Conditions of Approval:

1.		RIGHT NO. 31-07267A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 31-02367, 31-02368, 31-02373.
2.		USE OF THIS RIGHT WITH RIGHT NO. 31-07267A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.24 CFS AND IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1057 AF.
3.		USE OF THIS RIGHT WITH RIGHT 31-07267A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 302 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 230 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5.	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.

Decreed Date: 02/22/2002

Water District Number: 110

Combined Acres Limit: 302

Combined Volume Limit: 1057

Combined Rate Limit: 5.24

Water Supply Bank: Lessor Name(s): KIRK S EGBERT

Lease Status: Active

Lease Amount: 185.5

Rental Availability: 185.5

Date Received: 12/26/2013

Lease Begin Date: 1/1/2014

Expiration Date: 12/31/2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 31-7267A

Owner Type	Name and Address
Current Owner	KIRK S EGBERT

Priority Date: 09/07/1977

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	2.89 CFS	
Total Diversion			2.89 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSENE Lt 1	Sec. 06	Township 05N	Range 35E	JEFFERSON County
--------------	-------------	---------	--------------	-----------	------------------

IRRIGATION Use: Acre Limit: 285

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	35E	5	4	SWNW	30									
				NWSW	32									
		6	2	SWNE	40	1	SENE	40						
			3	SENE	40									
				NESW	40									
				NESE	40		NWSE	40						

Total Acres: 302 IRRIGATION Use: Acre Limit: 285

Conditions of Approval:

1.	C18	THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2.		RIGHT NO. 31-10964A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
3.		USE OF THIS RIGHT WITH RIGHT NO. 31-10964A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.24 CFS AND IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1057 AF.
4.		THIS RIGHT IS LIMITED TO THE IRRIGATION OF 285 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT 31-10964A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 302 ACRES IN A SINGLE IRRIGATION SEASON.
5.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 02/22/2002
Combined Volume Limit: 1057

Water District Number: 110
Combined Rate Limit: 5.24

Combined Acres Limit: 302

Water Supply Bank: Lessor Name(s): Kirk S Egbert Lease Status: Active Lease Amount: .54
Rental Availability: .54 Date Received: 12/26/2013 Lease Begin Date: 1/1/2014 Expiration Date: 12/31/2018

80094

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 31-7154A

Owner Type	Name and Address
Current Owner	KIRK EGBERT

Priority Date: 01/16/1975

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	1.49 CFS	223.6 AFA
STOCKWATER	01/01	12/31	0.05 CFS	2.4 AFA
Total Diversion			1.54 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESWNW	Sec. 36	Township 06N	Range 34E	JEFFERSON County
--------------	--------	---------	--------------	-----------	------------------

IRRIGATION Use: Acre Limit: 75

STOCKWATER Use: Number of stock: 175

Place of Use Legal Description: IRRIGATION STOCKWATER same as IRRIGATION

JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	34E	36		NENW	30		NWNW	31		SWNW	33		SENW	33

Total Acres: 127

IRRIGATION Use: Acre Limit: 75

Conditions of Approval:

1.	X27	This right is limited to the irrigation of 75 acres within the place of use described above in a single irrigation season.
2.	X35	Rights 31-7154A, 31-7545, and 31-12077 when combined shall not exceed the irrigation of 127 acres.
3.	R02	A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4.	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. 110.
5.	I31	Prior to the diversion and use of water under Transfer approval 75182, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6.	R63	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7.	N08	The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
8.	F06	The following rights are diverted through point(s) of diversion described above: 31-7154A, 31-7545, 31-12077.
9.	T07	The right holder shall accomplish the change authorized by this transfer within one year(s) 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.

Decreed Date: 02/22/2002

Water District Number: 110

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 127

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 31-7545

Owner Type	Name and Address
Current Owner	KIRK S EGBERT

Priority Date: 04/18/1974

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.8 CFS	120 AFA
Total Diversion			0.8 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESWNW	Sec. 36	Township 06N	Range 34E	JEFFERSON County
--------------	--------	---------	--------------	-----------	------------------

IRRIGATION Use: Acre Limit: 38.1

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	34E	36		NENW	30		NWNW	31		SWNW	33		SENW	33

Total Acres: 127

IRRIGATION Use: Acre Limit: 38.1

Conditions of Approval:

1.	X27	This right is limited to the irrigation of 38.1 acres within the place of use described above in a single irrigation season.
2.	X35	Rights 31-7154A, 31-7545, and 31-12077 when combined shall not exceed the irrigation of 127 acres.
3.	R02	A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4.	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. 110.
5.	I31	Prior to the diversion and use of water under Transfer approval 75182, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6.	R63	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7.	F06	The following rights are diverted through point(s) of diversion described above: 31-7154A, 31-7545, 31-12077.
8.	T07	The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
9.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10.	T19	Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Decreed Date: 02/22/2002

Water District Number: 110

Combined Acres Limit: 127

80094

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 31-12077

Owner Type	Name and Address
Current Owner	KIRK S EGBERT

Priority Date: 01/16/1975

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	0.28 CFS	41.7 AFA
Total Diversion			0.28 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESWNW	Sec. 36	Township 06N	Range 34E	JEFFERSON County
--------------	--------	---------	--------------	-----------	------------------

IRRIGATION Use: Acre Limit: 13.9

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	34E	36		NENW	30		NWNW	31		SWNW	33		SENW	33

Total Acres: 127 IRRIGATION Use: Acre Limit: 13.9

Conditions of Approval:

1.	X27	This right is limited to the irrigation of 13.9 acres within the place of use described above in a single irrigation season.
2.	X35	Rights 31-7154A, 31-7545, and 31-12077 when combined shall not exceed the irrigation of 127 acres.
3.	R02	A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4.	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. 110.
5.	131	Prior to the diversion and use of water under Transfer approval 75182, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6.	R63	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7.	F06	The following rights are diverted through point(s) of diversion described above: 31-7154A, 31-7545, 31-12077.
8.	T07	The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
9.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10.	T19	Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Decreed Date: 02/22/2002
Generic Max Volume per Acre: 3.5

Water District Number: 110
Combined Acres Limit: 127

Generic Max Rate per Acre: 0.02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance) N/A

- ☐ 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	N/A
---	-----

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

[illegible]

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$660.⁰⁰ Date 4-22-2015 Received by ms Receipt # E040933

Add'l fee paid _____ Date _____ Received by AS Receipt # _____

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

Proportional Amount of Water Right to be Transferred

New Place of Use: NW 1/4 Sec 36, T6N, R36E

Total Acres to Be Transferred = 3.6 acres

Right #	Diversion Rate	Volume	Acres	
31-10964A	2.74 cfs	805 afa	230 ac w/in	302.0 ac
31-7267A	2.89 cfs	---	282 ac w/in	302.0 ac
Limited to:	5.24 cfs	1057 afa	302 ac =	0.01735 cfs/ac & 3.5 af/ac

Proportional amount of Water Rights 31-10964A & 31-7267A				
31-10964				
3.6 ac + 230 ac =	0.0157	x 2.74 cfs =	0.043	cfs
31-7267A				
3.6 ac + 282 ac =	0.0128	x 2.89 cfs =	0.037	cfs

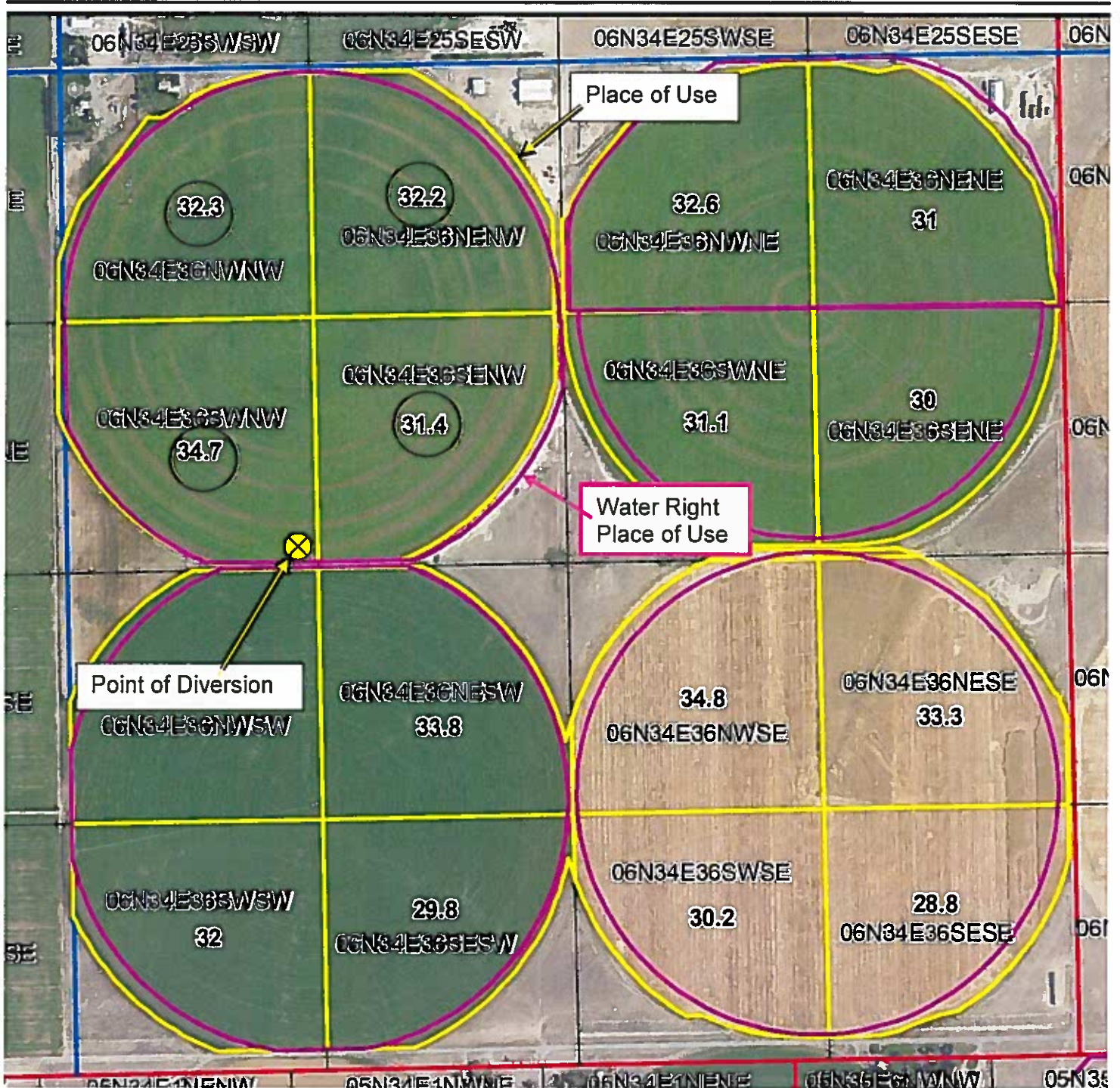
Combined Limit Calculations				
Limited to	5.24 cfs +	302 ac	=	0.01735 cfs/ac
	1057 afa	302 ac	=	3.5 ac-ft/ac

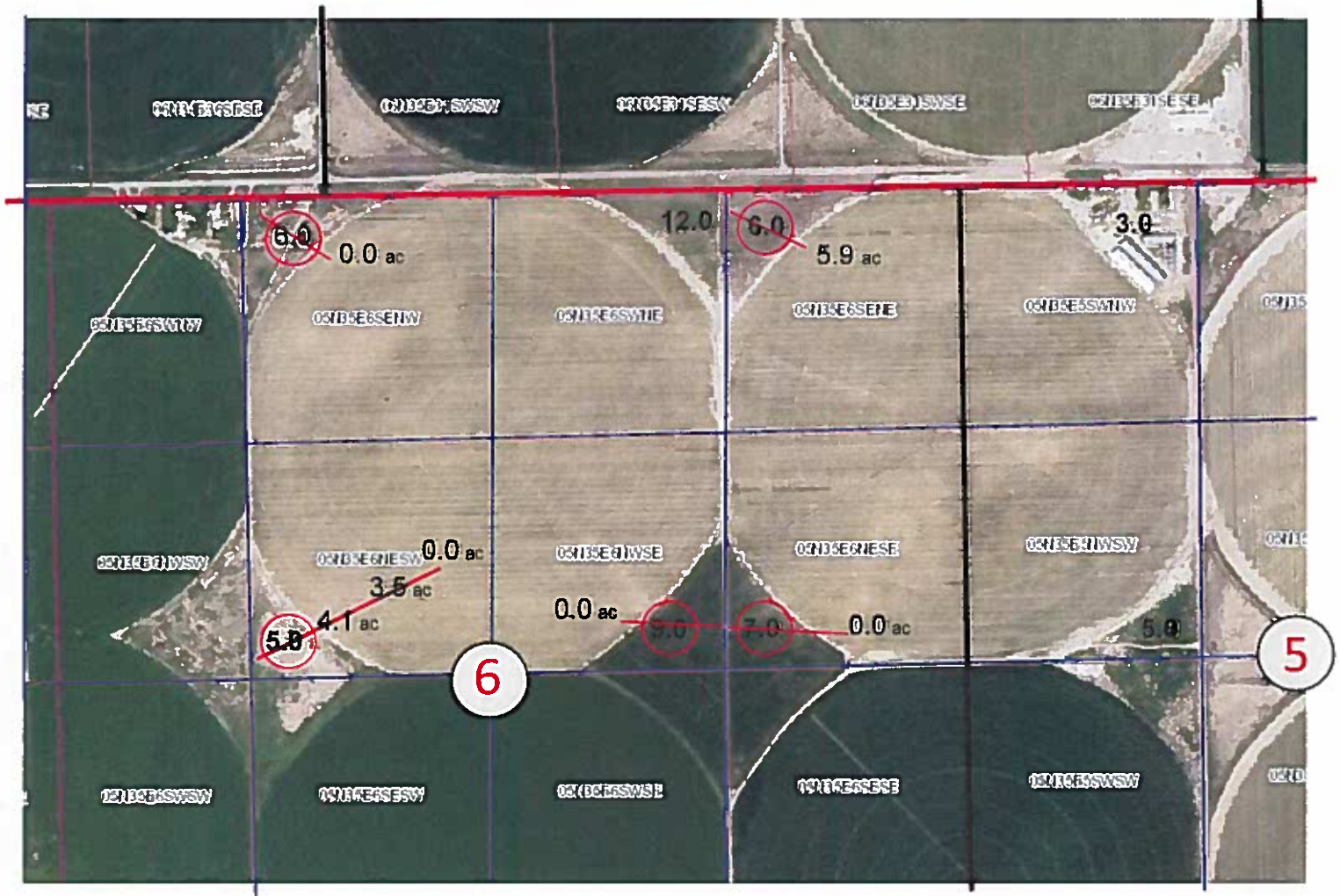
Combined Diversion Rate 31-10964A & 31-7267A = 3.6 ac x 0.01735 cfs/ac = 0.0625 cfs

Existing Water Rights on NW 1/4 Sec 36, T6N, R36E				
31-7154A	1.49 cfs	75.0 ac w/in 127 ac	223.6 afa	Stockwater
Stock water		0.05 cfs	2.4 afa	
31-7515	0.80 cfs	38.1 ac w/in 127 ac	120.0 afa	
31-12207	0.28 cfs	13.9 ac w/in 127 ac	41.7 afa	
Totals =	2.57 cfs	127.0 ac	387.7 afa	
		3.5 af/ac x 127 ac =	444.5 afa	
Diversion Rate/Acre =	2.57 cfs ÷	127 ac =	0.020236 cfs/ac	
Conditioned not to exceed 0.02 cfs/ac and 3.5 af/ac				
Diversion Rate = 127 ac x 0.02 cfs/ac = 2.54 cfs				
Combined Diversion Rate 31-10964A, 31-7267A, 31-7154A, 31-7515 & 31-12207 = 2.6525 cfs				

Water Rights 31-10964A and 31-7267A (From Well) are in ESPA Model Cell identified as Row 46, Column 156 which is adjacent to the "TO" ESPA Model Cell (Row 45, Column 155).

Transfers of water rights in the same or adjacent ESPA Model Cells do not require modeling.





Transfer 3.5 ac from NE¼SW¼ & 0.1 ac from SE¼NE¼ Sec 6, T5N, R35E

Remander	Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
	5N	35E	5							3.0				5.0						8.0
			6			12.0	6.0					3.5								21.5
Transfer 3.6 ac to NW¼ Sec 36							-0.1					-3.5								29.5

APPLICATION FOR TRANSFER OF WATER RIGHT

ATTACHMENT WSB:

TRANSFERRING WATER RIGHTS LEASED TO THE WATER SUPPLY BANK

Approval of a transfer application will not impact the terms of a Water Supply Bank Lease Contract. Any transferred water right or portion of a water right that is leased to the Water Supply Bank (Bank) shall remain unused while the lease is active.

If the transfer proposes to relocate the place of use of an irrigation water right, and the relocated acres include land currently idled due to a Bank lease contract, the applicant is required to identify the areas that will be idled at the new place of use for the duration of the lease contract. The acres to be idled should be clearly identified on the map created for Attachment 7B of the transfer application. The applicant should confirm the map is attached when completing the table below. If the leased portion of the place of use is not proposed to be relocated, a map is not required.

A Bank lease contract shall remain in effect until it expires, a new lease proposal is processed to replace it, or the water right is released from the Bank through written confirmation issued by the Water Resource Board. If the proposed transfer is approved, the water right owner will be provided sufficient time to allow the lease contract to expire before beneficial use of water at the new place of use will be expected. Meanwhile, water rights leased to the Bank are protected from forfeiture for the duration of the lease contract.

Water right owners who would like to adjust the terms of their lease contracts can either submit a new lease proposal on an Application to Lease a Water Right to the Water Supply Bank form, or they can request early termination of their lease contracts by completing a Request to Release a Water Right from the Water Supply Bank form. If a water right is leased to the Bank, and it is currently being rented from the Bank, the lease cannot be reduced or terminated until the rental agreement concludes. A request to release a water right or to submit a new lease application should be sent to the Department's state office. To find out if there are any rentals associated with a leased water right, please call a Bank representative at the Department at 208-287-4800.

In the table below, please provide the requested information for any water right that is both proposed for transfer and leased to the Bank. The information needed to complete this table can be found in your Bank lease contract. A copy of your lease contract can be obtained using the 'Search Water Rights' option on the Department's internet page at www.idwr.idaho.gov or by contacting any Department office.

Water Right Number	Lease Contract Expiration Date	Water Right Quantities Leased to the Bank			Map Attachment 7B Clearly Identifies Idled Place of Use at New Location
		Rate (cfs)	Volume (AF)	Acres	
31-10964A	12/31/2018	0.63	185.5	53.0	Attached? ☒ or No Change ☐
31-7267A	12/31/2018	0.54	Not Stated	53.0	Attached? ☒ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐

Is the ownership of the water right(s) leased to the Bank being changed? ☐ 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.

Additional Information:

Agency Use Only: Personnel processing transfer applications should forward a copy of this attachment, the original Lessor Designation form and/or IRS Form W-9, if received, to the State Office.

Summary of Transferred Acres of 31-10964A & 31-7267A

T6N R33E	Original Water Right	Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
		5N	35E	5							3.0			5.0							8.0
				6			12.0	6.0				6.0	5.0				7.0	9.0			45.0
Transfer 6.9 ac to SE¼ Sec 12																					53.0
													-6.0 -0.9								

T6N R34E	Remander	Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre		
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals		
		5N	35E	5							3.0			5.0								8.0	
			6			12.0	6.0					4.1				7.0	9.0			38.1			
	Transfer 16.6 ac to E½ Sec 36																			-0.6	-7.0	-9.0	46.1
	Remander	Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre		
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals		
		5N	35E	5							3.0			5.0							8.0		
			6			12.0	6.0					3.5								21.5			
	Transfer 3.6 ac to NW¼ Sec 36																			-0.1	-3.5	29.5	
Remander	Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals			
	5N	35E	5							3.0			5.0							8.0			
		6			12.0	5.9													17.9				
Transfer 7.5 ac to SW¼ Sec 36																			-1.6	-5.9	25.9		

Remaining Acreage of 31-10964A & 31-7267A after Transfers

	Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
				Totals																
	5N	35E	5							3.0				5.0						8.0
			6			10.4														10.4
																				18.4