

MAY 15 2015

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) C V Ranches Phone 208-648-7887

Mailing address 960 Kelly Toponce Road, Bancroft, ID 83217 Email gsimons86@hotmail.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 _____ Phone _____

Mailing address _____ Email _____

- ☐ 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

G. Scott Simons
Print Name and Title if applicable

5-12-15
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**.

This transfer proposes to change the place of use for water rights 29-123 & 29-125.

MAY 15 2015

Department of Water Resources
Eastern Region

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 ☒ ☐	29-123	1.1 / 124.2	Irrigation	04/15 to 09/15	Toponce Creek
☒ ☐	29-125	1.08 / 145.8	Irrigation	04/15 to 09/15	Toponce Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.18 cfs and/or 270 acre-feet.

2. Total amount of water proposed to be transferred or changed 2.18 cubic feet per second and/or 270 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	38E	25							29		36	37	33	40	6.5	39	35	4	259
															Lt 29			Lt 20	
06S	38E	26				29									37			12	78
06S	39E	29			37				38	40		38	40			39	40		272
06S	39E	30																40	40
Total Acres (for irrigation use)																			649

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:

Reservoir to pumps to mainline.

- b. Who owns the property at the point(s) of diversion? C V Cattle Co.

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:
N/A

- 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:
29-2435, 29-12B, 29-94C, 29-7071, 29-121, 29-122, 29-13499 & 29-10320

- 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:

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

Current Water Right No.: 29-125

Current Owner: C V CATTLE INC

Priority Date: 6/1/1910

Origin: Water Right

Status: Active

Basis: Decreed

Source

TOPONCE CREEK

Tributary

PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION STORAGE	04/15 to 09/15		145.8 AF
IRRIGATION FROM STORAGE	04/15 to 09/15		145.8 AF
DIVERSION TO STORAGE	04/15 to 09/15	1.08 CFS	
<u>Total Diversion</u>		1.08 CFS	145.8 AF

Location of Point(s) of Diversion

TOPONCE CREEK

CARIBOU County

SW1/4SE1/4SE1/4 Sec. 33, Twp 06S, Rge 38E B.M.

Place of Use

IRRIGATION STORAGE Within CARIBOU County

T06S R38E S25	NWNW	T06S R38E S25	SWNW
T06S R38E S26	NENE	T06S R38E S26	SENE

IRRIGATION FROM STORAGE Within CARIBOU County

T06S R38E S25	SWNW	29.00	T06S R38E S25	NESW	36.00
T06S R38E S25	NWSW	37.00	T06S R38E S25	SWSW	33.00
T06S R38E S25	SESW	40.00	T06S R38E S25	NESE	6.50
T06S R38E S25	NWSE	39.00	T06S R38E S25	SWSE	35.00
T06S R38E S25	Lot 20 SESE	4.00	T06S R38E S26	SENE	29.00
T06S R38E S26	NESE	37.00	T06S R38E S26	SESE	12.00

Total Acres: 337.5

Place of Use: DIVERSION TO STORAGE same as IRRIGATION STORAGE

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. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. R40 The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
4. 004 This right does not grant any right-of-way or easement across the land of another.
5. X35 Rights 29-121, 29-122, 29-123, 29-125, 29-13499, and 29-10320 when combined shall not exceed a total diversion rate of 4.55 cfs, and the irrigation of 337.5 acres.
6. 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.
7. 220 The reservoir established by the storage of water under rights 29-123 and 29-125 shall not exceed a total capacity of 270 acre-feet.
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. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
10. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 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 11/17/2005.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
13. K01 Right No. 29-13499 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Decreed Date: 11/17/2005

Page _____ of _____

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

Current Water Right No.: 29-121

Current Owner: C V CATTLE INC

Priority Date: 7/1/1882

Origin: Water Right

Status: Active

Basis: Decreed

Source

TOPONCE CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

IRRIGATION

From To

4/15 to 9/15

Total Diversion

Diversion Rate

0.48 CFS

0.48 CFS

Annual Volume

Location of Point(s) of Diversion

TOPONCE CREEK

CARIBOU County

SW1/4SE1/4SE1/4

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

Place of Use

IRRIGATION Within CARIBOU County

T06S R38E S25	SWNW	29.00	T06S R38E S25	NESW	36.00
T06S R38E S25	NWSW	37.00	T06S R38E S25	SWSW	33.00
T06S R38E S25	SESW	40.00	T06S R38E S25	NESE	6.50
T06S R38E S25	NWSE	39.00	T06S R38E S25	SWSE	35.00
T06S R38E S25	SESE	4.00	T06S R38E S26	SENE	29.00
T06S R38E S26	NESE	37.00	T06S R38E S26	SESE	12.00

Total Acres: 337.5

80151

Page _____ of _____

Conditions of Approval:

1. K01 Right No. 29-13499 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
2. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 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 11/17/2005.
3. X35 Rights 29-121, 29-122, 29-123, 29-125, 29-13499, and 29-10320 when combined shall not exceed a total diversion rate of 4.55 cfs, and the irrigation of 337.5 acres.
4. T19 Pursuant to Section 42-1412(5), 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. X27 This right is limited to the irrigation of 24 acres within the authorized place of use in a single irrigation season.

Decreed Date: 11/17/2005

Page _____ of _____

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

Current Water Right No.: 29-123

Current Owner: C V CATTLE INC

Priority Date: 7/2/1903

Origin: Water Right

Status: Active

Basis: Decreed

Source

TOPONCE CREEK

<u>Beneficial Use</u>	<u>From To</u>
DIVERSION TO STORAGE	04/15 to 09/15
IRRIGATION STORAGE	04/15 to 09/15
IRRIGATION FROM STORAGE	04/15 to 09/15
IRRIGATION	04/15 to 09/15
<u>Total Diversion</u>	

Tributary

PORTNEUF RIVER

<u>Diversion Rate</u>	<u>Annual Volume</u>
0.92 CFS	
	124.2 AF
	124.2 AF
0.18 CFS	
1.1 CFS	

Location of Point(s) of Diversion

TOPONCE CREEK
CARIBOU County

SW1/4SE1/4SE1/4 Sec. 33 Twp 06S Rge 38E B M

Place of Use

29-123
29-125
29-121
29-122
29-13499
29-10320
29-7071

80151

Page _____ of _____

IRRIGATION STORAGE Within CARIBOU County

T06S R38E S25	NWNW	T06S R38E S25	SWNW
T06S R38E S26	NENE	T06S R38E S26	SENE

IRRIGATION FROM STORAGE Within CARIBOU County

T06S R38E S25	SWNW	29 00	T06S R38E S25	NESW	36 00
T06S R38E S25	NWSW	37 00	T06S R38E S25	SWSW	33 00
T06S R38E S25	SESW	40 00	T06S R38E S25	NESE	6 50
T06S R38E S25	NWSE	39 00	T06S R38E S25	SWSE	35 00
T06S R38E S25	SESE	4 00	T06S R38E S26	SENE	29 00
T06S R38E S26	NESE	37 00	T06S R38E S26	SESE	12 00

Total Acres: 337 5

IRRIGATION Within CARIBOU County

T06S R38E S25	SWNW	29 00	T06S R38E S25	NESW	36 00
T06S R38E S25	NWSW	37 00	T06S R38E S25	SWSW	33 00
T06S R38E S25	SESW	40 00	T06S R38E S25	NESE	6 50
T06S R38E S25	NWSE	39 00	T06S R38E S25	SWSE	35 00
T06S R38E S25	SESE	4 00	T06S R38E S26	SENE	29 00
T06S R38E S26	NESE	37 00	T06S R38E S26	SESE	12 00

Total Acres: 337 5

Place of Use: DIVERSION TO STORAGE same as IRRIGATION STORAGE

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. 004 This right does not grant any right-of-way or easement across the land of another.
3. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
4. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 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 11/17/2005.
6. R40 The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
7. X35 Rights 29-121, 29-122, 29-123, 29-125, 29-13499, and 29-10320 when combined shall not exceed a total diversion rate of 4.55 cfs, and the irrigation of 337.5 acres.
8. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
9. X27 This right is limited to the irrigation of 9 acres within the authorized place of use in a single irrigation season.
10. 220 The reservoir established by the storage of water under rights 29-123 and 29-125 shall not exceed a total capacity of 270 acre-feet.
11. K01 Right No. 29-13499 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
12. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. 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.
14. 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: 11/17/2005

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.

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

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

FOR DEPARTMENT USE ONLY

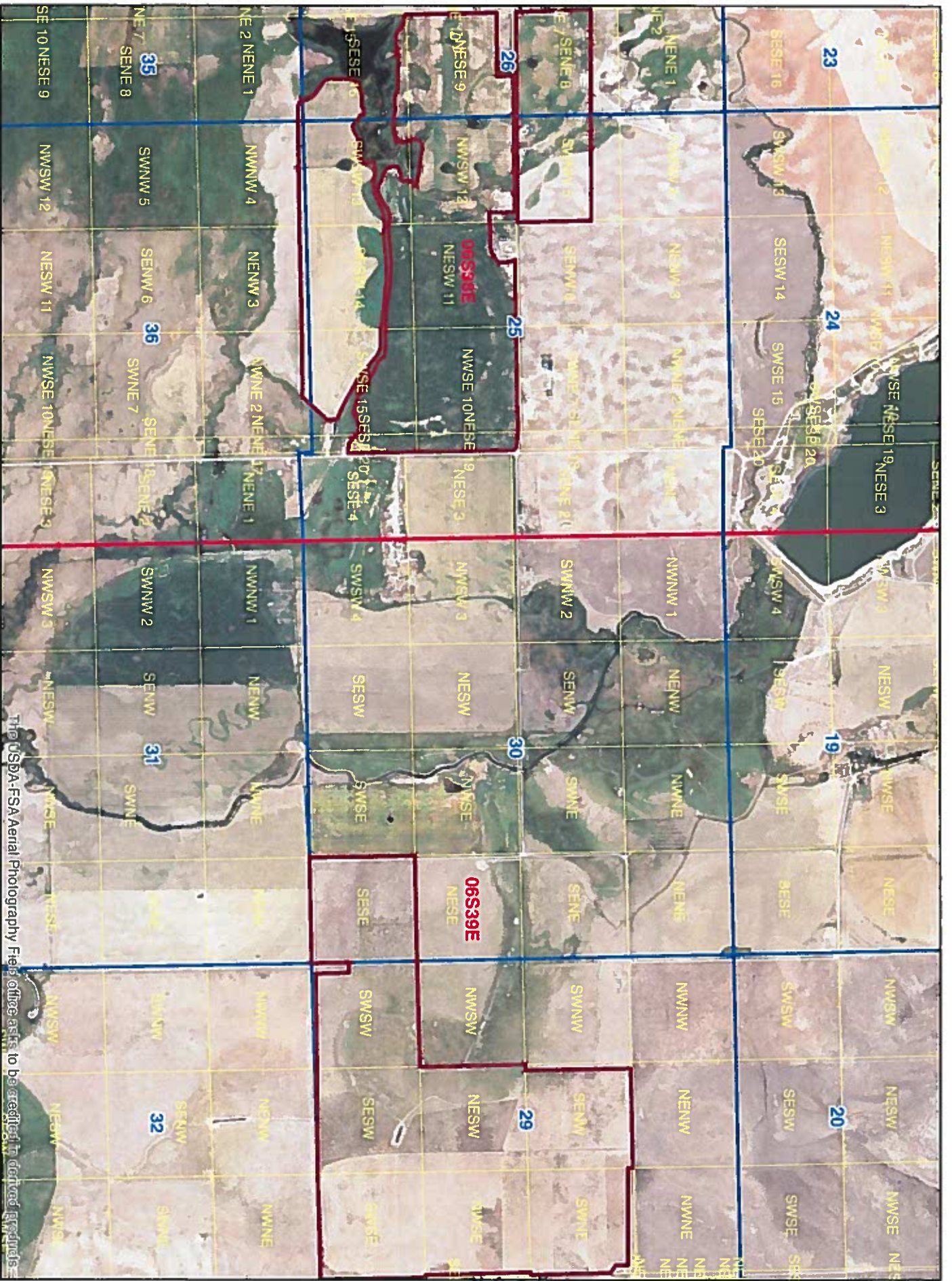
Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid 580- Date 5/5/15 Received by SC Receipt # E041040

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

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



15108