

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 30 2014

DEPARTMENT OF
WATER RESOURCES

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

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

Check all that apply:

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

1. **APPLICANT(S)** Travis Christensen Farms, LLC Phone (208) 573-5000

2. **MAILING ADDRESS** 8921 Big Foot Rd. City Melba

State ID Zip 83641 Email _____

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

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

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 63-7062

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

4. **TOTAL AMOUNT OF WATER** transferred is 0.14 cubic feet per second and/or 57.7 acre-feet per annum.
(diversion rate) (storage volume)

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

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

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			NE	NW	10	1N	2W	Canyon	groundwater	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Existing well and pump with distribution piping to gravity irrigation. Measuring device and lockable control works will be installed as required in the future.

- b. Who owns the property at the point(s) of diversion? Larry Christensen (applicant's uncle)

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Well easement is described on attached Quitclaim Deed.

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

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

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

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

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

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

Travis Christensen
Signature of applicant or authorized agent

Travis Christensen, Member
Print name and title if applicable

12-29-14
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

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

FOR DEPARTMENT USE ONLY

Transfer includes 1 pages of attachments. Received by DA Date 12/30/14
Fee paid \$200 Date 12/30/14 Received by dy Receipt # 0099777
Preliminary review by KW Date 4-22-2015 Active in the Water Supply Bank? Yes ☐ No ☒
W-9 received? Yes ☐ No ☒ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐
(Do NOT scan the W-9 – confidential information is held by fiscal only)

Page _____ of _____

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

Current Water Right No.: 63-7062

Current Owner: PAUL W PORTER
Priority Date: 1/30/1968
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.6 CFS	253 AF
	<u>Total Diversion</u>	0.6 CFS	253 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NE1/4 Sec. 10, Twp 01N, Rge 02W B.M.
CANYON County

Place of Use

IRRIGATION Within CANYON County

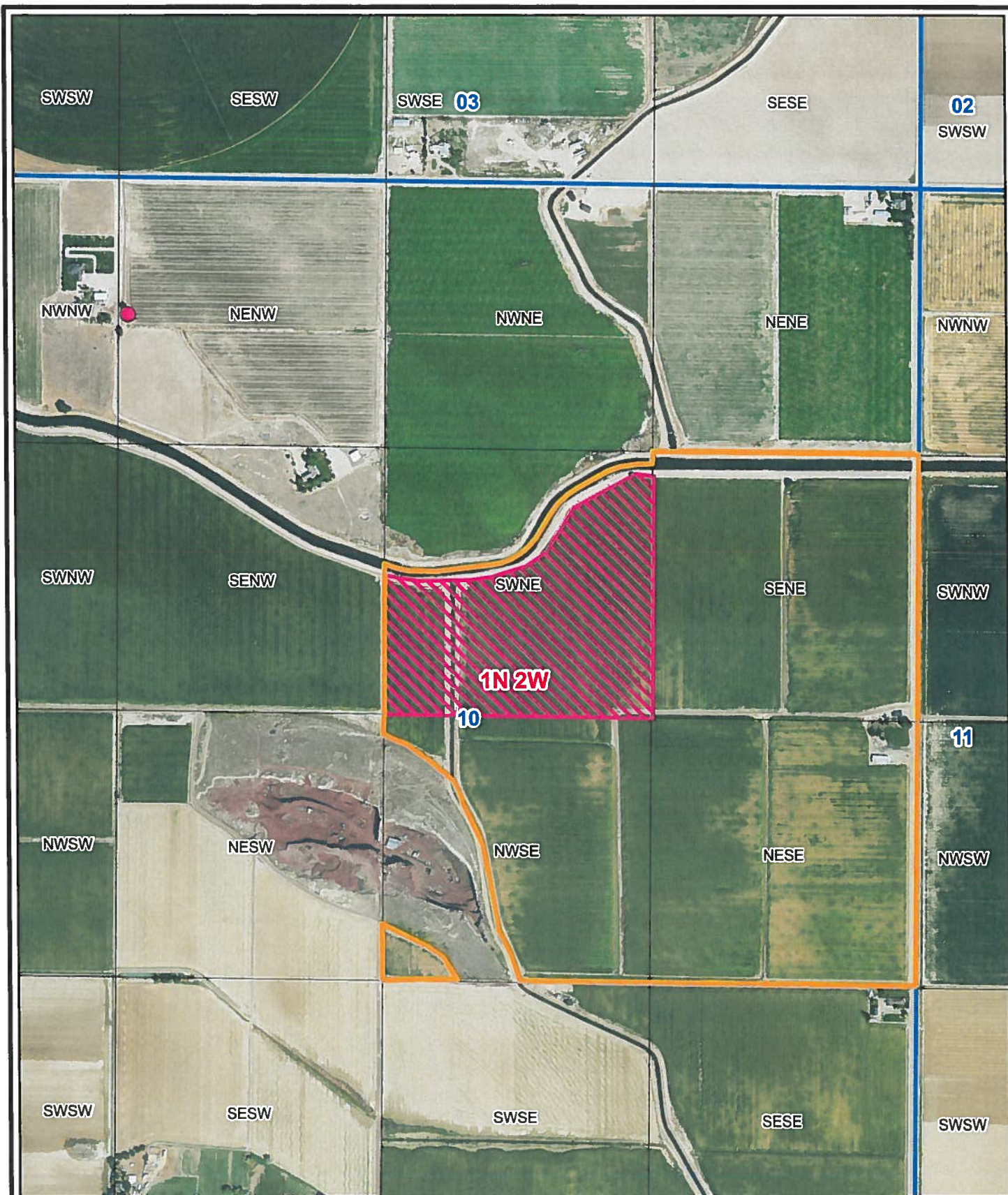
T01N R02W S10	NWNE	38.00	T01N R02W S10	SWNE	36.00
T01N R02W S10	NENW	40.00			

Total Acres: 114

Conditions of Approval:

1. S39 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. E60 Right Nos. 63-3048 and 63-7062 are limited to a total combined diversion rate of 1.75 cfs and to a total combined annual diversion volume of 540 AF.
3. E55 Right Nos. 63-3048 and 63-7062 are limited to the irrigation of a combined total of 114 acres in a single irrigation season.
4. 001 A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
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: 2/6/2009



EXPLANATION



New Point of Diversion



Property Boundary



63-7062 (Christensen Share)

Transfer Application - Point of Diversion
Travis Christensen Farms



500

Feet



SPF WATER
ENGINEERING

Neely, Rachel

From: Sommer, Rachel
Sent: Thursday, May 14, 2015 4:30 PM
To: LEGALS@IDAHOPRESS.COM
Subject: Canyon Legal Ad
Attachments: Canyon Cover Letter.docx; Canyon Legal Ad.docx

Good Afternoon Legal Clerk,

Please see the attached ad for publication on 5/21/15 & 5/28/15.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Sommer

Water Resource Agent
Dept. of Water Resources
Western Regional Office
2735 Airport Way, Boise ID 83705
Phone 208-334-2190 | Fax 208-334-2348
Email: rachel.sommer@idwr.idaho.gov

May 14, 2015

LEGAL NOTICE DEPARTMENT
PRESS TRIBUNE
PO BOX 9399
NAMPA, ID 83652

RE: Application for Permit No. 63-34044
 Application for Transfer No. 79748
 Application for Extension No. 63-32057

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 6/8/2015. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

**THE FOLLOWING APPLICATION HAS BEEN FILED TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO:
63-34044**

CHAD B NEELEY
1959 S SANDCREST WAY
NAMPA, ID 83686

Point of Diversion SWNW S15 T02N R03W CANYON County Source

GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.23 CFS

Total Diversion: 0.23 CFS

Date Filed: 2/20/2015

Place of Use: IRRIGATION

T02N R03W S15 SWNW

Total Acres: 20

Water bearing zone to be appropriated is from 500 to 700 feet.

PROPOSED CHANGE OF WATER RIGHT

Travis Christensen Farms LLC of 8921 Big Foot Rd., Melba, ID, 83641, filed Application No. 79748 to transfer a portion of one water right with a 1968 priority date from ground water totaling 0.14 cfs. The purpose of the transfer is to split the right and add a point of diversion. Water will be used at the current place of use near south of East Stage Coach Rd., east of South Powerline Rd., west of 12th Ave. Rd., and north of Big Foot Rd.

EXTENSION OF TIME TO AVOID

FORFEITURE OF WATER RIGHT

Sorin and Alina Pica of 1140 S. Powerline Rd., Nampa, ID, 83686, filed an Application proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 63-32057 with a 1967 priority from ground water totaling 0.08 cfs. The right holder proposes nonuse of the right due to recent purchase of the property and need to build a home before irrigating the land. The irrigation right was decreed in 2009. The right serves property located south of Hwy. 55, east of Montana Ave., west of Tenth Ave. and north of Orchard Ave.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the rights, proposed transfer or extension, please see

www.idwr.idaho.gov/WaterManagement/WaterRights/#New_Listings. Protests may be submitted based on the criteria of Sec 42-203A and 42-222, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 6/8/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/21/2015 and 5/28/2015

MEMORANDUM

TO: Transfer No. 79748
FROM: Kay Walker *Kay*
DATE: April 29, 2015
RE: Evaluation of Application

The transfer proposes to split Rt. 63-7062 and add a new point of diversion to the 26 acres that are being split off.

The site is located south of East Stage Coach Rd., east of South Powerline Rd., west of 12th Ave. Rd., and north of Big Foot Rd.

Contact person for the applicant is Roxanne Brown of SPF Water Engineering, 300 E. Mallard Dr., Suite 350, Boise, ID, 83706, phone 383-4140.

Deviations from Transfer Policy Standards

The transfer is filed on a short form used for point of diversion transfers. The applicant also submitted a Notice of Change in Water Right Ownership to process the split of Rt. 63-7062.

Summary of Information Submitted

Authority to File:

After the change in ownership is processed, the applicant will be the right holder of record. The applicant is also registered with the Secretary of State's office so they are authorized to do business in Idaho.

Water Right Validity:

Right presumed to be valid. Right was decreed in SRBA on February 6, 2009. Recent beneficial use confirmed via aerial photography for 2013.

Injury to Other Water Rights:

There should be no injury due to this transfer since there are no additional acres or an increase in the amount of water under this right.

Enlargement of Use:

No enlargement should occur as long as parameters of right are followed.

Local Public Interest:

It is within the local public interest to allow right holders to manipulate their water rights in order to get the most use out of them.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

Right No. 63-7062 was licensed in March of 1974 for the irrigation of 120 acres, of which 86 of those acres had been licensed under an earlier water right. That right (63-3048) was licensed for 86 acres and 1.4 cfs and did not contain a volume limitation. When the SRBA was preparing recommendations for rights in this area, they found that Rt. 63-3048 could be recommended for 1.4 cfs, 86 acres, and 387.0 af of volume. The 387 acre feet would allow 4.5 acre feet per acre for the 86 acre license. When recommendations were made on Rt. 63-7062, the SRBA found a total of only 114 acres irrigated out of the 120 that were licensed. At first glance it appeared that the rights were overlapping each other. However, after correspondence with applicant's representative it was determined that the 26 acres being split off were only listed on Rt. 63-7062 and there was no place of use overlap. A problem was identified due to combined use conditions on the rights after being decreed. Rt. 63-3048 and 63-7062 have been decreed with conditions limiting the diversion rate to 1.75 cfs, a combined use volume of 540 acre feet and the irrigation of 114 acres. After discussions with management, it was determined that we would use the most limiting constraints on these rights when split. For the volume, we determined that use of 540 af/114 acres would allow 4.7 acre feet per acre and allow the right holder of the 26 acre parcel 123.2 acre feet for his portion. The remainder of the land (88 acres) would be allowed 416.8 acre feet in the combined use condition. Rate developed under Rt. 63-3048 was 1.4 cfs for 86 acres. The rate under 63-7062 was found to be 1.75 cfs, an additional 0.35 cfs developed under the latter permit. The rate was limited in combined use conditions to 1.75 cfs for 114 acres. Rt. 63-3048 was licensed for 1.4 cfs so it appears Rt. 63-7062 only has access to 0.35 cfs for the 28 acres developed which provides 0.0125 cfs/ac. The agreement made when the right was split allowed only 0.14 cfs for the 26 acre piece. The rate on remainder of Rt. 63-3048 will be $1.75 \text{ cfs} - 0.14 \text{ cfs} = 1.61 \text{ cfs}$ when combined with remainder of Rt. 63-7062.

Data entry affected the correct record of the partial decree for Rt. 63-7062. This right has been updated to water rights and is being used in transfer data entry.

Overlapping rights at proposed POD is Permit No. 63-11741 issued in May of 2009. Proof of beneficial use was submitted in May of 2008 but a field examination has not been conducted yet. That permit does not overlap the place of use under this transfer application. The application states the transfer will utilize an existing well. In review of well construction records it appears that the well being utilized is one that was drilled in either 1992 or 1955. The well being used for this right will not serve any of the lands owned by the applicant's uncle, Larry Christensen, and there will be no interconnection

between the wells, pursuant to applicants representative. Overlapping rights at existing POD is Rt. 63-3048. No other rights are listed as being diverted from that well.

The place of use overlaps consist of water from Boise-Kuna Irrigation District, Boise Project Board of Control and U.S. Bureau of Reclamation water. The decrees did not mention use of surface water on these lands but it appears the land is within the boundaries of these entities.

Summary

Condition 046 is not applicable since a new well is not proposed.

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Walker, Kay

From: Walker, Kay
Sent: Tuesday, April 21, 2015 11:38 AM
To: 'Roxanne Brown'
Subject: RE: Christensen transfer application 79748

Hi, Roxanne!

Knowing it is an existing well is good info. What I really need to know is if the well or wells are interconnected. If they are separate systems we need to know that. Please let me know when you get a chance.

Thanks,

Kay

From: Roxanne Brown [<mailto:RBrown@spfwater.com>]
Sent: Friday, April 17, 2015 8:54 AM
To: Walker, Kay
Subject: RE: Christensen transfer application 79748

Kay – Christensen's transfer is to an existing well...no new well. Does that help?

From: Walker, Kay [<mailto:Kay.Walker@idwr.idaho.gov>]
Sent: Thursday, April 16, 2015 9:29 AM
To: Roxanne Brown
Cc: Walker, Kay
Subject: Christensen transfer application 79748

Hi, Roxanne!

Got your letter regarding the above water right transfer. I can see where there is no overlap between Rts. 63-7062 and 63-3048 now. Thanks for clarifying for me. I need to know if the new well will be integrated with the existing well or if this will be a completely different system. If you can let me know the answer to that question I think I'll be set to start processing. Thanks for your help in this matter. Kay

per Roxanne
4/21/15 w/
shades
63-11741
no connection
with Uncle
Larry's
well



SPF WATER
ENGINEERING

April 7, 2015

Kay Walker
IDWR Western Region via hand-delivery
2735 Airport Way
Boise, ID 83705-5082

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APR 07 2015

**WATER RESOURCES
WESTERN REGION**

*Subject: Notice of Change in Water Right Ownership,
Water Right No. 63-7062, Transfer Application No. 79748*

Dear Kay,

This letter is a response to your correspondence dated March 12, 2015 concerning Application for Transfer No. 79748 in the name of Travis Christensen Farms LLC (Christensen). Your correspondence summarized two issues that have been identified by IDWR during its review of the transfer application. We will respond in the order in which the issues were presented in your letter:

1. Land Ownership.

The previous owner of water right 63-7062 was Paul Porter. Christensen previously submitted a Quit Claim Deed for a portion of the Porter property from members of the Christensen family (Travis, JoAnna, Michael, Jill and Justin) to Travis Christensen Farms. To further clarify ownership, please find attached a Personal Representative's Deed (Instrument No. 2010022779) which conveys the land from the Paul Porter estate to Travis, JoAnna, Michael, Jill and Justin Christensen.

2. Overlapping Water Rights.

Your letter identifies water right 63-3048 as a possible overlapping right to 63-7062. Although the decree issued for water right 63-3048 includes language as to total diversion rate, annual volume, and total area of irrigation when the right is used with 63-7062, the two rights do not physically overlap on land owned by Travis Christensen Farms. Water right 63-3048 is appurtenant to 10 acres in the SWNE, Section 10, T1N, R2W, north of the Mora Canal (Christensen Farms lies south of the canal). The property north of the Mora Canal belongs to Larry Christensen (an uncle), and water right ownership of 63-3048 will be addressed separately by Larry as the land owner.

Please contact me with any additional questions. Thank you for your continued review of Mr. Christensen's transfer application.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roxanne".

Roxanne Brown

cc: Travis Christensen

SPF Job No. 1084.0020



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

March 12, 2015

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

ROXANNE BROWN
SPF WATER ENGINEERING
300 E MALLARD DR STE 350
BOISE ID 83706

RE: Application for Transfer 79748 – Travis Christensen Farms, LLC

Dear Roxanne:

We are in the process of initial review of the above referenced application for transfer and find we cannot go any further without additional information.

The ownership change form that was submitted with the transfer application does not have enough documentation to complete the change. The water right is currently in the name of Paul Porter. The deed you submitted with the ownership change is a Quit Claim Deed between the Christensen family. We have nothing to show that Mr. Porter sold his water right or land to the Christensen's.

The transfer application was filed to split Rt. 63-7062. What becomes of Right 63-3048 which is an overlapping right? The rights were decreed with combined use conditions in regard to the rate, volume and acres. We need to know how the split would not affect Rt. 63-3048 or if it was intended to be included.

Please resolve the above issues and we will continue our review of the ownership change and transfer application. Your response, including the requested information, must be received by April 12, 2015. Without a timely reply, IDWR will issue a preliminary order to reject the application. A rejected application may be re-filed when adequate information can be provided.

If you have questions concerning this matter, please feel free to contact our office.

Sincerely,

KAY WALKER
Sr. Water Resource Agent



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DEC 30 2014

DEPARTMENT OF
WATER RESOURCES

December 29, 2014

Steve Lester, Interim Manager
Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705-5082

Hand delivery

*Subject: Change in Ownership/Application for Transfer
Water Right No. 63-7062*

Dear Steve,

Enclosed on behalf of Travis Christensen Farms, LLC (TCF) is a *Notice of Change in Water Right Ownership* (from Porter to Christensen) and an *Application for Transfer of Water Right* (point of diversion only). The applications are submitted to (1) clarify the split of water right 63-7062 between TCF and Larry Christensen, and (2) correctly describe the point of diversion after land conveyance.

Check Nos. 6268 and 6269 for a total of \$450.00 are enclosed for the filing fees. Thank you for your consideration and assistance in this matter. Please contact me if you have any questions.

Sincerely,

Roxanne Brown
Sr. Water Rights Specialist

Cc: Travis Christensen Farms

Enclosures

SPF Job No.: 1084.0020