

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79746

SUPPORT DATA

This is to certify that: JOHN & ANN WIND TRUST
12306 WHITECHAPEL WAY
NAMPA, ID 83686

IN FILE # 61-12084

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
61-12084	WR/DECREED	2/28/1968	2.650 cfs	1022.8 af	350.5	1208.0	GROUND WATER
61-12086	WR/DECREED	2/3/1972	5.060 cfs	2147.4 af	857.5	1208.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

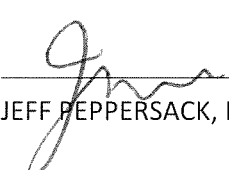
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
61-12084	NO	NO	NO	YES	NO	NO
61-12086	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
61-12084	61-12084	2.650 cfs	1022.8 af	350.5	1208.0	N/A	N/A	N/A	N/A	N/A
61-12086	61-12086	5.060 cfs	2147.4 af	857.5	1208.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		7.090 cfs	3009.5 af	1208.0	1208.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 29th day of April, 2015.


JEFF PEPPERSACK, Interim Western Region Manager

Transfer No. 79746

WATER RIGHT NO. 61-12084

As Modified by Transfer No. 79746

In accordance with the approval of Transfer No. 79746, Water Right No. 61-12084 is now described as follows:

Right Holder: JOHN & ANN WIND TRUST
12306 WHITECHAPEL WAY
NAMPA, ID 83686

Priority Date: 2/28/1968

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 04/10 **To** 10/20

Diversion Rate
2.650 cfs
2.650 cfs

Diversion Volume
1022.8 af
1022.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENW
GROUND WATER SWSE

Sec 19 Twp 04S Rge 07E ELMORE County
Sec 19 Twp 04S Rge 07E ELMORE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	07E	19	39.0	39.0	40.0	40.0	40.0	39.0	39.0	39.0	40.0	39.0		40.0	40.0	38.0	33.0	40.0	585.0
								L 1	L 2			L 3							
04S	07E	30	39.0	40.0	40.0	25.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	623.0
								L 1	L 2			L 3	L 4						

Right Acre Limit: 350.5
POU Total Acres: 1208.0

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. This right is limited to the irrigation of 350.5 acres within the authorized place of use in a single irrigation season.
4. Rights 61-12084 and 61-12086 when combined shall not exceed a total diversion rate of 7.09 cfs and a total annual maximum diversion volume of 3009.5 af at the field headgate.

Transfer No. 79746

WATER RIGHT NO. 61-12084
As Modified by Transfer No. 79746

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/10 and after 10/20 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than April 17, 2001.
7. Use of this right is combined with water from Mountain Home Irrigation District.
8. The following rights are diverted through points of diversion described above: 61-12084, 61-12086, 61-12085 & 61-12087.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. 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. 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.

WATER RIGHT NO. 61-12086**As Modified by Transfer No. 79746**

In accordance with the approval of Transfer No. 79746, Water Right No. 61-12086 is now described as follows:

Right Holder: JOHN & ANN WIND TRUST
12306 WHITECHAPEL WAY
NAMPA, ID 83686

Priority Date: 2/3/1972

Source: GROUND WATER

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DIVERSION TO STORAGE	04/01	to 12/31	5.060 cfs	
IRRIGATION	04/01	to 10/31	5.060 cfs	2147.4 af
IRRIGATION FROM STORAGE	04/01	to 10/31		50.5 af
IRRIGATION STORAGE	01/01	to 12/31		50.5 af
			5.060 cfs	2147.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENW	Sec 19 Twp 04S Rge 07E	ELMORE County
GROUND WATER	SWSE	Sec 19 Twp 04S Rge 07E	ELMORE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	07E	19	39.0	39.0	40.0	40.0	40.0	39.0	39.0	39.0	40.0	39.0		40.0	40.0	38.0	33.0	40.0	585.0
								L 1	L 2				L 3						
04S	07E	30	39.0	40.0	40.0	25.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	623.0
								L 1	L 2				L 3	L 4					

Right Acre Limit: 857.5

POU Total Acres: 1208.0

PLACE OF USE: IRRIGATION FROM STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	07E	19	39.0	39.0	40.0	40.0	40.0	39.0	39.0	39.0	40.0	39.0		40.0	40.0	38.0	33.0	40.0	585.0
								L 1	L 2				L 3						
04S	07E	30	39.0	40.0	40.0	25.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	623.0
								L 1	L 2				L 3	L 4					

Right Acre Limit: 857.5

POU Total Acres: 1208.0

Transfer No. 79746

WATER RIGHT NO. 61-12086
As Modified by Transfer No. 79746

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. This right is limited to the irrigation of 857.5 acres within the authorized place of use in a single irrigation season.
4. Rights 61-12084 and 61-12086 when combined shall not exceed a total diversion rate of 7.09 cfs and a total annual maximum diversion volume of 3009.5 af at the field headgate.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/01 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than April 17, 2001.
7. Use of this right is combined with water from Mountain Home Irrigation District.
8. The following rights are diverted through points of diversion described above: 61-12084, 61-12086, 61-12085 & 61-12087.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. 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. 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.



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

April 30, 2015

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

JOHN ANN WIND TRUST
12306 WHITECHAPEL WAY
NAMPA ID 83686

Re: Transfer No. 79746
Water Right No's: 61-12084, 61-12086

Transfer Approval Notice

Dear Water Right Holder,

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,

Rachel Neely
For:

Jeff Peppersack

Interim Manager, Western Region

Enclosure

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706

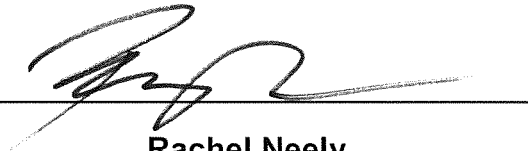
CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No. 79746
Water Right No's: 61-12084, 61-12086**

**JOHN ANN WIND TRUST
12306 WHITECHAPEL WAY
NAMPA ID 83686**

**SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706**

A handwritten signature in black ink, appearing to read 'Rachel Neely', is written over a horizontal line.

**Rachel Neely
Administrative Assistant I**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

RECEIVED

42-222 POD - 09/14

DEC 30 2014

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESRECEIVED
DEC 24 2014
DEPARTMENT OF
WATER RESOURCESWATER RESOURCES
WESTERN REGION

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)** John and Ann Wind Trust Phone 208-442-1480
 2. **MAILING ADDRESS** 12306 Whitechapel Way City Nampa
 State ID Zip 83686 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)** 61-12084, 61-12086

- ☒ 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 7.71 cubic feet per second and/or 50.5 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 #
no			SE	NW	19	4S	7E	Elmore	Ground Water	
yes			SW	SE	19	4S	7E	Elmore	Ground Water	

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:

Wells, pumps, storage pond, pressurized irrigation system. Measuring devices and lockable controlling works will be accommodated upon the Department's request.

- 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. 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:

Separate water rights 61-12085 and 61-12087 also list the current well and well to be replaced as PODs, but are not plumbed to the system and/or do not have access to the wells.

- 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.)

*(selected pivot corners under right 61-12084 are proposed for lease on accompanying WB application)

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.

John Wind
Signature of applicant or authorized agent

John Wind
Print name and title if applicable

12-12-14
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 _____ pages of attachments.

Received by DG

Date 12/24/2014

Fee paid \$1,060.00 Date 12/24/14

Receipted by dg

Receipt # C099759

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

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

RECEIVED

DEC 24 2014

DEPARTMENT OF
WATER RESOURCES

Page _____ of _____

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

Current Water Right No.: 61-12084

Current Owner: JOHN & ANN WIND TRUST
Priority Date: 2/28/1968
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	04/10 to 10/20	2.65 CFS	1022.8 AF
	<u>Total Diversion</u>	2.65 CFS	1022.8 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 19,	Twp 04S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	SE1/4NW1/4	Sec. 19,	Twp 04S,	Rge 07E B.M.
ELMORE County				

Place of Use

IRRIGATION Within ELMORE County

T04S R07E S19	NENE	39.00	T04S R07E S19	NWNE	39.00
T04S R07E S19	SWNE	40.00	T04S R07E S19	SENE	40.00
T04S R07E S19	NENW	40.00	T04S R07E S19	Lot 1 NWNW	39.00
T04S R07E S19	Lot 2 SWNW	39.00	T04S R07E S19	SENE	39.00
T04S R07E S19	NESW	40.00	T04S R07E S19	Lot 3 NWSW	39.00
T04S R07E S19	SESW	40.00	T04S R07E S19	NESE	40.00
T04S R07E S19	NWSE	38.00	T04S R07E S19	SWSE	33.00
T04S R07E S19	SESE	40.00	T04S R07E S30	NENE	39.00
T04S R07E S30	NWNE	40.00	T04S R07E S30	SWNE	40.00
T04S R07E S30	SENE	25.00	T04S R07E S30	NENW	40.00
T04S R07E S30	Lot 1 NWNW	40.00	T04S R07E S30	Lot 2 SWNW	40.00
T04S R07E S30	SENE	40.00	T04S R07E S30	NESW	40.00
T04S R07E S30	Lot 3 NWSW	40.00	T04S R07E S30	Lot 4 SWSW	39.00
T04S R07E S30	SESW	40.00	T04S R07E S30	NESE	40.00
T04S R07E S30	NWSE	40.00	T04S R07E S30	SWSE	40.00
T04S R07E S30	SESE	40.00			

Total Acres: 1208

Page _____ of _____

Conditions of Approval:

1. RIGHT NO. 61-12086 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
2. USE OF THIS RIGHT WITH RIGHT NO. 61-12086 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.09 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3009.5 AF.
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. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 10 AND AFTER OCTOBER 20 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.
5. C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
6. W05 USE OF THIS RIGHT IS COMBINED WITH WATER FROM MOUNTAIN HOME IRRIGATION DISTRICT.
7. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 350.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Decreed Date: 4/17/2001

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DEPARTMENT OF
WATER RESOURCES

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

Current Water Right No.: 61-12086

Current Owner: JOHN & ANN WIND TRUST

Priority Date: 2/3/1972

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 FROM STORAGE	04/01 to 10/31		50.5 AF
IRRIGATION	04/01 to 10/31	5.06 CFS	2147.4 AF
IRRIGATION STORAGE	01/01 to 12/31		50.5 AF
DIVERSION TO STORAGE	04/01 to 12/31	5.06 CFS	
	<u>Total Diversion</u>	5.06 CFS	2147.4 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 19,	Twp 04S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	SE1/4NW1/4	Sec. 19,	Twp 04S,	Rge 07E B.M.
ELMORE County				

Place of Use

Page _____ of _____

IRRIGATION FROM STORAGE Within ELMORE County

T04S R07E S19		NENE	39.00	T04S R07E S19		NWNE	39.00
T04S R07E S19		SWNE	40.00	T04S R07E S19		SENE	40.00
T04S R07E S19		NENW	40.00	T04S R07E S19	Lot 1	NWNW	39.00
T04S R07E S19	Lot 2	SWNW	39.00	T04S R07E S19		SENE	39.00
T04S R07E S19		NESW	40.00	T04S R07E S19	Lot 3	NWSW	39.00
T04S R07E S19		SESW	40.00	T04S R07E S19		NESE	40.00
T04S R07E S19		NWSE	38.00	T04S R07E S19		SWSE	33.00
T04S R07E S19		SESE	40.00	T04S R07E S30		NENE	39.00
T04S R07E S30		NWNE	40.00	T04S R07E S30		SWNE	40.00
T04S R07E S30		SENE	25.00	T04S R07E S30		NENW	40.00
T04S R07E S30	Lot 1	NWNW	40.00	T04S R07E S30	Lot 2	SWNW	40.00
T04S R07E S30		SENE	40.00	T04S R07E S30		NESW	40.00
T04S R07E S30	Lot 3	NWSW	40.00	T04S R07E S30	Lot 4	SWSW	39.00
T04S R07E S30		SESW	40.00	T04S R07E S30		NESE	40.00
T04S R07E S30		NWSE	40.00	T04S R07E S30		SWSE	40.00
T04S R07E S30		SESE	40.00				

Total Acres: 1208

IRRIGATION Within ELMORE County

T04S R07E S19		NENE	39.00	T04S R07E S19		NWNE	39.00
T04S R07E S19		SWNE	40.00	T04S R07E S19		SENE	40.00
T04S R07E S19		NENW	40.00	T04S R07E S19	Lot 1	NWNW	39.00
T04S R07E S19	Lot 2	SWNW	39.00	T04S R07E S19		SENE	39.00
T04S R07E S19		NESW	40.00	T04S R07E S19	Lot 3	NWSW	39.00
T04S R07E S19		SESW	40.00	T04S R07E S19		NESE	40.00
T04S R07E S19		NWSE	38.00	T04S R07E S19		SWSE	33.00
T04S R07E S19		SESE	40.00	T04S R07E S30		NENE	39.00
T04S R07E S30		NWNE	40.00	T04S R07E S30		SWNE	40.00
T04S R07E S30		SENE	25.00	T04S R07E S30		NENW	40.00
T04S R07E S30	Lot 1	NWNW	40.00	T04S R07E S30	Lot 2	SWNW	40.00
T04S R07E S30		SENE	40.00	T04S R07E S30		NESW	40.00
T04S R07E S30	Lot 3	NWSW	40.00	T04S R07E S30	Lot 4	SWSW	39.00
T04S R07E S30		SESW	40.00	T04S R07E S30		NESE	40.00
T04S R07E S30		NWSE	40.00	T04S R07E S30		SWSE	40.00
T04S R07E S30		SESE	40.00				

Total Acres: 1208

Place of Use: IRRIGATION STORAGE same as IRRIGATION FROM STORAGE

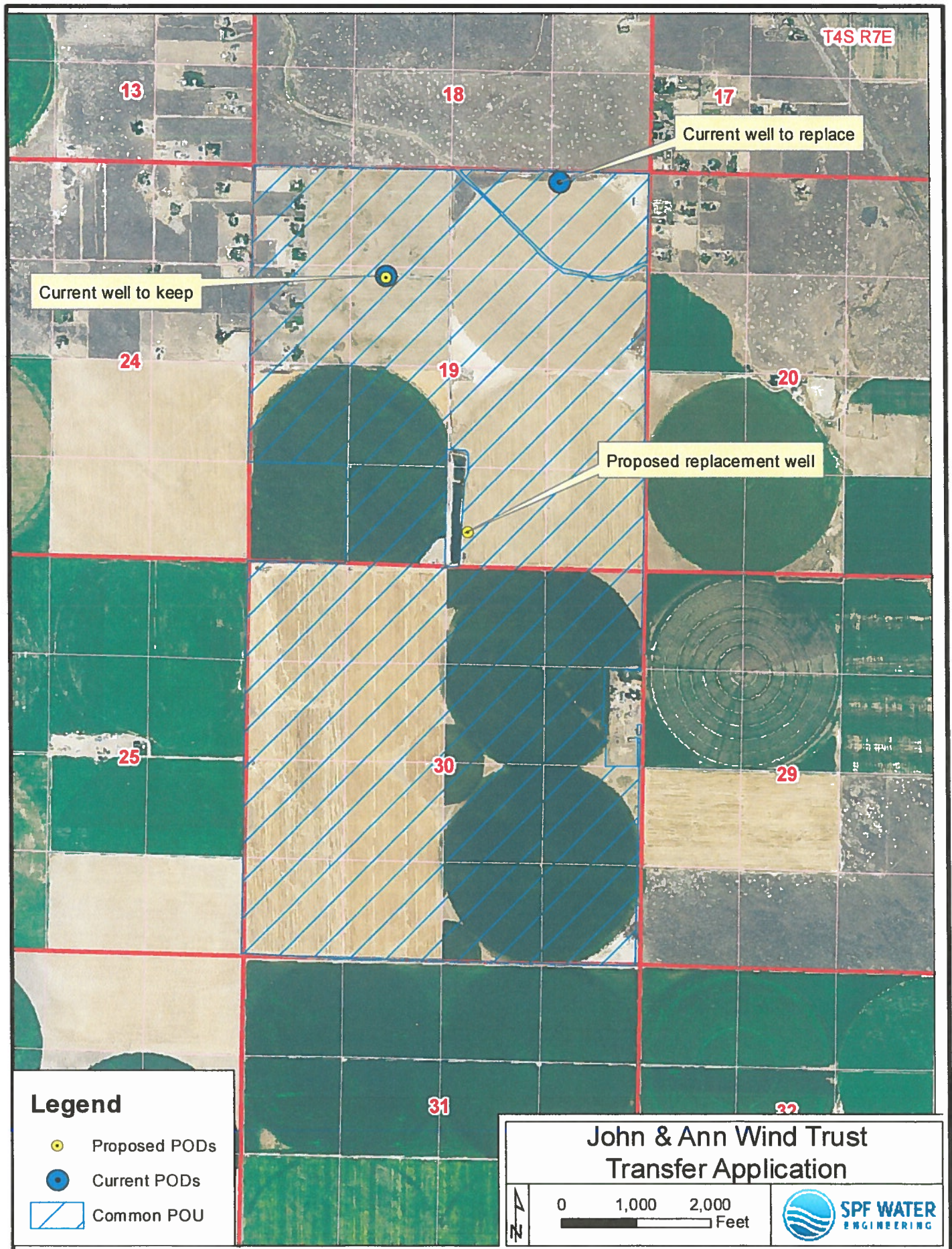
Place of Use: DIVERSION TO STORAGE same as IRRIGATION FROM STORAGE

Page _____ of _____

Conditions of Approval:

1. W05 USE OF THIS RIGHT IS COMBINED WITH WATER FROM MOUNTAIN HOME IRRIGATION DISTRICT.
2. USE OF THIS RIGHT WITH RIGHT NO. 61-12084 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.09 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3009.5 AF.
3. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 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.
4. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 857.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
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.
6. C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
7. RIGHT NO. 61-12084 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Decreed Date: 4/17/2001



MEMORANDUM

TO: Transfer No. 79746
FROM: Kay Walker *KW*
DATE: February 13, 2015
RE: Evaluation of Application

The transfer proposes to change a point of diversion. The well in the NENE, Sec. 19 will be replaced with a well in the SWSE, Sec. 19. The application was filed on a short form since only requesting a point of diversion change. No advertisement of this request is necessary since it is only a point of diversion change.

The site is located approximately 5 miles southeast of Mountain Home on the east side of Groefsema Road and west side of Pole Line Road.

Contact person for the applicant is Lori Graves of SPF Water Engineering, 300 E. Mallard Dr., Suite 350, Boise, ID, 83706. Phone number is 383-4140.

Summary of Information Submitted

Authority to File:

The applicant is the water right holder of record.

Water Right Validity:

Right presumed to be valid. SRBA decrees issued 4/2001 and recent beneficial use confirmed via aerial photography from 2004, 2006 and 2011. Land appears irrigated in each of these photos.

Injury to Other Water Rights:

There should be no injury to other water rights due to this point of diversion change. There will be no more water or volume or acres allowed with this change.

Enlargement of Use:

No enlargement of use should occur if conditioned properly.

Local Public Interest:

It is within the local public interest to allow property owners to change their water rights to improve their systems.

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

Data entry affected the correct records. Rights were decreed by SRBA Court in 2001 and records have been brought into water rights data base.

Overlapping rights at existing points of diversion are rights 61-12085 and 61-12087. These rights are a split of the same water rights that 61-12084 and 61-12086 were created from. The applicants state, on the transfer application, that Rts. 61-12085 and 61-12087 are not plumbed to the system and do not have access to the wells. Although the applicants state those rights are not using the wells, the right holders have not filed a transfer to “move” the rights to another point of diversion. Since our records still show the rights being diverted from these wells, we have retained this information on the transfer. There are no overlapping rights on the proposed well under the transfer application.

Overlapping rights at the place of use are Mountain Home Irrigation District rights. The well water for the lands under 61-12084 and 61-12086 would be supplemental to the irrigation district rights.

Water Bank issues are that the applicant has submitted an application to put 64 acres of water right into the bank for rental to a specific party. Since the existing and proposed wells under this transfer will be used to irrigate the land under the bank application, the transfer application should not impede the water supply bank action.

Summary

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.

Condition 046 is applicable since a new well is proposed.



**SPF WATER
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WATER RESOURCES
WESTERN REGION

December 23, 2014

Cherie Palmer
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

**Subject: Water Supply Bank Lease and Rental Applications
Application for Transfer**

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DEPARTMENT OF
WATER RESOURCES

COPY

Dear Cherie,

Enclosed on behalf of the John and Ann Wind Trust is a water bank lease application for enrollment of a 64-acre portion of water right 61-12084. Also enclosed on behalf of Wolfe Brothers Inc., is a water bank rental application requesting rental of 40 acres of the 64 acres offered for lease for irrigation of adjoining property. A request from the owner of water right 61-12084 is attached to the rental application asking the Department to only charge Wolfe Brothers administrative costs for the rental transaction.

Lastly, a transfer application is enclosed for John and Ann Wind Trust proposing replacement of one of the authorized wells currently serving their irrigation system, including water right 61-12084 offered for lease and water right 61-12086.

Check No.1068 is enclosed for the \$1,310 filing fee; \$250 for the water bank lease application and \$1,060 for the transfer application.

Please let me know if there are any questions. Thanks Cherie.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: John Wind, Billy Wolfe

Enclosures

SPF file number: 1140.0010