

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEC 19 2014
Department of Water Resources
Eastern Region

#1

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Kevin Peck/ Peck Farms of Idaho Phone (208)254-9269
Mailing address 700 W Glover Road Arimo ID 83214 Email kpeckfam@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 of Applicant or Authorized Representative

Kevin Peck
Print Name and Title if applicable

12/15/14
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☐ Change nature of use ☐ Change period of use ☒ Other Split a portion of each right
- 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**.

I would like to split a portion of each water right and transfer the split portion to a new place of use with a new point of diversion. In addition, the balance of the water rights will be re-arranged to accurately reflect the historical irrigation.

This is transfer application 1 of 2.

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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						
☐	☒	29-13840	0.83 cfs	Irrigation	05/01 to 10/01	Ground Water
☐	☐				to	
☐	☒	29-13842	2.65 cfs	Irrigation	04/01 to 10/31	Ground Water
☐	☐				to	
☐	☒	29-13844	0.34 cfs	Irrigation	03/15 to 11/15	Ground Water
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 3.82 cfs and/or _____ acre-feet.

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

3. Point(s) of Diversion:

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

New ?	Lot	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	
10s	36E	35													33	28.5	38	34.2	133.7
11S	36E	2		33.5	24.8														58.3
Total Acres (for irrigation use)																			192.

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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:

3 pivots and 1 wheel line are supplied by buried mainline from ground water wells.

- 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:
The corners will be dried up in preparation to move to a new place of use.

- 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:

N/A

- 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:

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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 rights(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:

[illegible]**FOR DEPARTMENT USE ONLY**

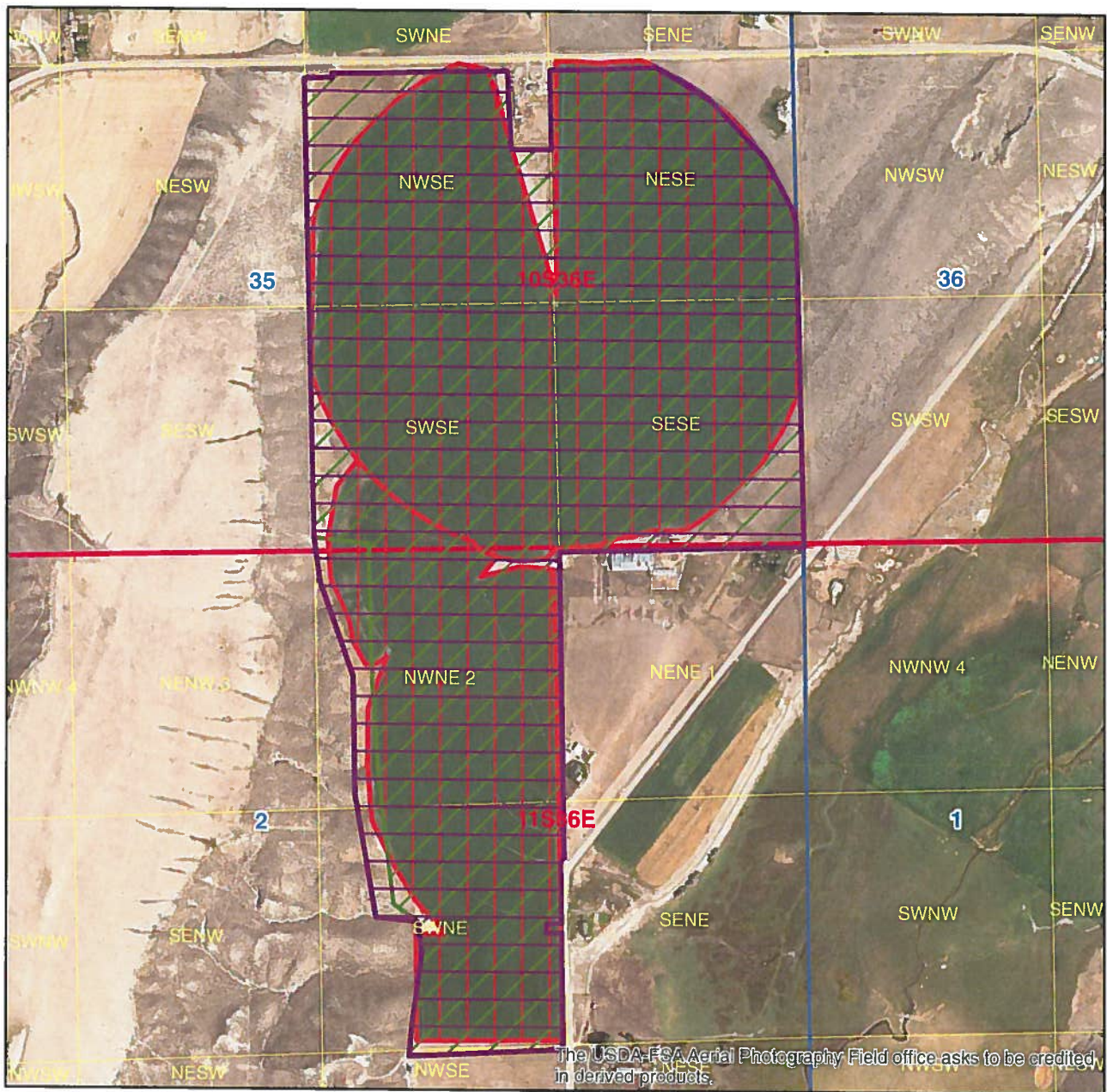
Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$200.- Date 12.17.14 Received by SC Receipt # E40507

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

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



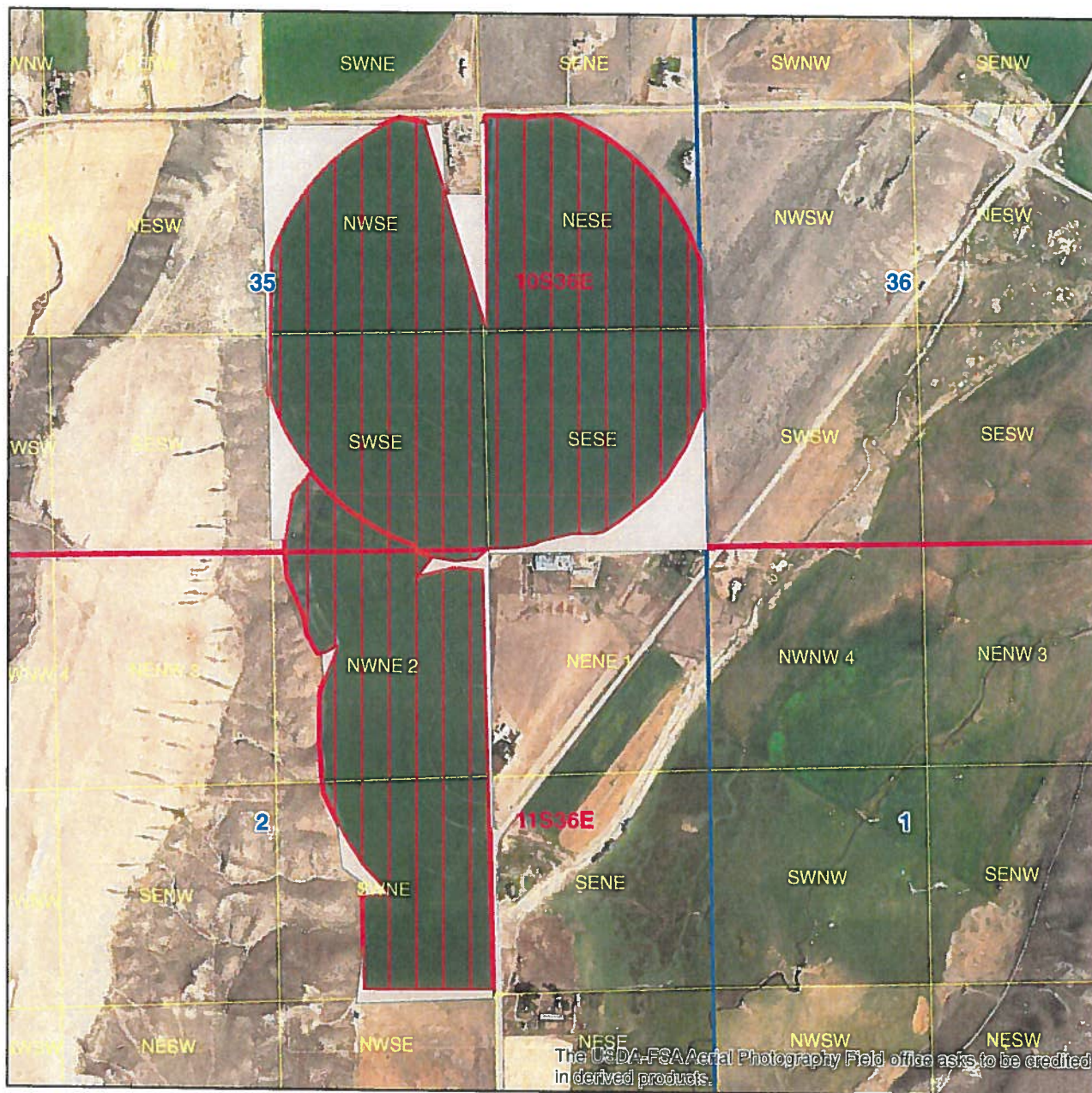
Peck Farms Transfer #1 Place of Use

-  29-13842
-  29-13840 & 29-13844
-  Township/Range
-  Sections
-  QQ



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0 0.075 0.15 0.3 Miles



Peck Farms Transfer #1 Place of Use

- Acres to Move 29-13840 & 29-13844
- Township/Range
- Sections
- QQ



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

Current Water Right No.: 29-13840

Current Owner: KEVIN PECK
ALECIA PECK

Priority Date: 1/8/1970

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	05/01 to 10/01	0.93 CFS	284.6 AF
	<u>Total Diversion</u>	0.93 CFS	284.6 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 35,	Twp 10S,	Rge 36E B.M.
BANNOCK County				
GROUND WATER	SE1/4SE1/4	Sec. 35,	Twp 10S,	Rge 36E B.M.
BANNOCK County				

Place of Use

IRRIGATION Within BANNOCK County

T10S R36E S35	NESE	33.40	T10S R36E S35	NWSE	36.60
T10S R36E S35	SWSE	40.00	T10S R36E S35	SESE	40.00
T11S R36E S2	Lot 2 NWNE	32.00	T11S R36E S2	SWNE	26.00
Total Acres: 208					

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Conditions of Approval:

1. E61 Use of this right with rights listed below is limited to a total combined diversion rate of 1.31 CFS and to a total combined annual diversion volume of 471.5 AF. Combined Right Nos.: 29-13840, 29-13844
2. E56 Use of this right with the rights listed below is limited to the irrigation of a combined total of 153.3 acres in a single irrigation season. Combined Right Nos. 29-13840, 29-13844
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. 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.
5. K06 This right is limited to the irrigation of 125.1 acres within the place of use described above in a single irrigation season.
6. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
7. S41 The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 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.

Decreed Date: 3/22/2004

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

Current Water Right No.: 29-13842

Current Owner: ALECIA PECK
KEVIN PECK

Priority Date: 6/13/1983

Origin: Water Right

Status: Active

Basis: License

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	2.95 CFS	274.6 AF
	<u>Total Diversion</u>	2.95 CFS	274.6 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 35,	Twp 10S,	Rge 36E B.M.
BANNOCK County				
GROUND WATER	SE1/4SE1/4	Sec. 35,	Twp 10S,	Rge 36E B.M.
BANNOCK County				

Place of Use

IRRIGATION Within BANNOCK County

T10S R36E S35	NESE	33.40	T10S R36E S35	NWSE	36.60
T10S R36E S35	SWSE	40.00	T10S R36E S35	SESE	40.00
T11S R36E S2	Lot 2 NWNE	37.00	T11S R36E S2	SWNE	27.00
Total Acres: 214					

Conditions of Approval:

1. X35 Rights 29-13480, 29-13484 (a portion of licensed right 29-07141 as claimed in the Snake River Basin Adjudication) and 29-13482 when combined shall not exceed the irrigation of 214 acres.
2. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
3. X36 Rights 29-13840 and 29-13844 (a portion of licensed right 29-07141 as claimed in the Snake River Basin Adjudication) are also diverted through the points of diversion described above.
4. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Licensed Date: 12/18/2002

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

Current Water Right No.: 29-13844

Current Owner: KEVIN PECK
ALECIA PECK
Priority Date: 6/15/1973
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.38 CFS	186.9 AF
	<u>Total Diversion</u>	0.38 CFS	186.9 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 35,	Twp 10S,	Rge 36E B.M.
BANNOCK County				
GROUND WATER	SE1/4SE1/4	Sec. 35,	Twp 10S,	Rge 36E B.M.
BANNOCK County				

Place of Use

IRRIGATION Within BANNOCK County

T10S R36E S35	NESE	33.40	T10S R36E S35	NWSE	36.60
T10S R36E S35	SWSE	40.00	T10S R36E S35	SESE	40.00
T11S R36E S2	Lot 2 NWNE	32.00	T11S R36E S2	SWNE	26.00
Total Acres: 208					

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Conditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. P21 TThis right is split from former right 29-13151
3. K06 This right is limited to the irrigation of 66.5 acres within the place of use described above in a single irrigation season.
4. 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.
5. E56 Use of this right with the rights listed below is limited to the irrigation of a combined total of 153.3 acres in a single irrigation season. Combined Right Nos.: 29-13840, 29-13844
6. E61 Use of this right with rights listed below is limited to a total combined diversion rate of 1.31 cfs and to a total combined annual diversion volume of 471.4 AF. Combined right Nos. 29-13840, 29-13844
7. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Decreed Date: 3/22/2004

No. W 74535	Due no later than May 31, 2014 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed.		KEVIN PECK 700 W GLOVER RD ARIMO ID 83214			
	KAP PROPERTIES, LLC KEVIN PECK 700 W GLOVER RD ARIMO ID 83214 USA		3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held MANAGER	Name ALECIA PECK	Street or PO Address 700 W GLOVER RD	City ARIMO	State ID	Country USA	Postal Code 83214
5. Organized Under the Laws of: ID W 74535		6. Annual Report must be signed.* Signature: Alecia Peck Name (type or print): Alecia Peck Date: 06/19/2014 Title: Manager				
Processed 06/19/2014		* Electronically provided signatures are accepted as original signatures.				

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