

RECEIVED

JUN 26 2014

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79417

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Nolan and Dana Crowther

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form. Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below): Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Nolan and Dana Crowther Phone (208) 547-0111

Mailing address PO Box 785, Soda Springs, ID 83276 Email npc@q.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

Nolan Crowther
Print Name and Title if applicable

6/23/14
Date


Signature of Applicant or Authorized Representative

Dana Crowther
Print Name and Title if applicable

6/23/14
Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other _____
- 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 create a 170-acre combined place of use for water rights 11-373 and 11-375. Both rights are always in priority on Bailey Creek. This transfer also proposes to move the point of diversion for these rights from the Rhinehart Ditch to a new ditch on Bailey Creek to be constructed on our property.

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.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part					
☒ ☐	11-373	1.80 cfs	Irrigation	4/20 to 9/30	Bailey Creek
☒ ☐	11-375	1.60 cfs	Irrigation	4/20 to 9/30	Bailey Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.40 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 annum.

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 #
Y			SE	NW	32	09S	42E	Caribou	Bailey Creek	

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	
09S	42E	31				15.3									10.5				25.8
		32					9.2	8.7	39.3	26.8	20.2	40.0							144.2
Total Acres (for irrigation use)																			170

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:
A measuring device could be installed in the new ditch from Bailey Creek. Or, the pump station (to be located at the end of the new ditch) could be equipped with a closed conduit measuring device.

- b. Who owns the property at the point(s) of diversion? Applicant
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A Water is not being moved off of property

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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Water rights authorize 170 acres of irrigation. No more than 170 acres will be irrigated on the property.

- e. 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:
Water right (statutory claim) 11-7739 will be used on the same irrigated acres. This right was not included in the transfer because of its status as a claim. Place of use for water right 11-7739 can be adjusted when the claim is reviewed in an eventual adjudication.

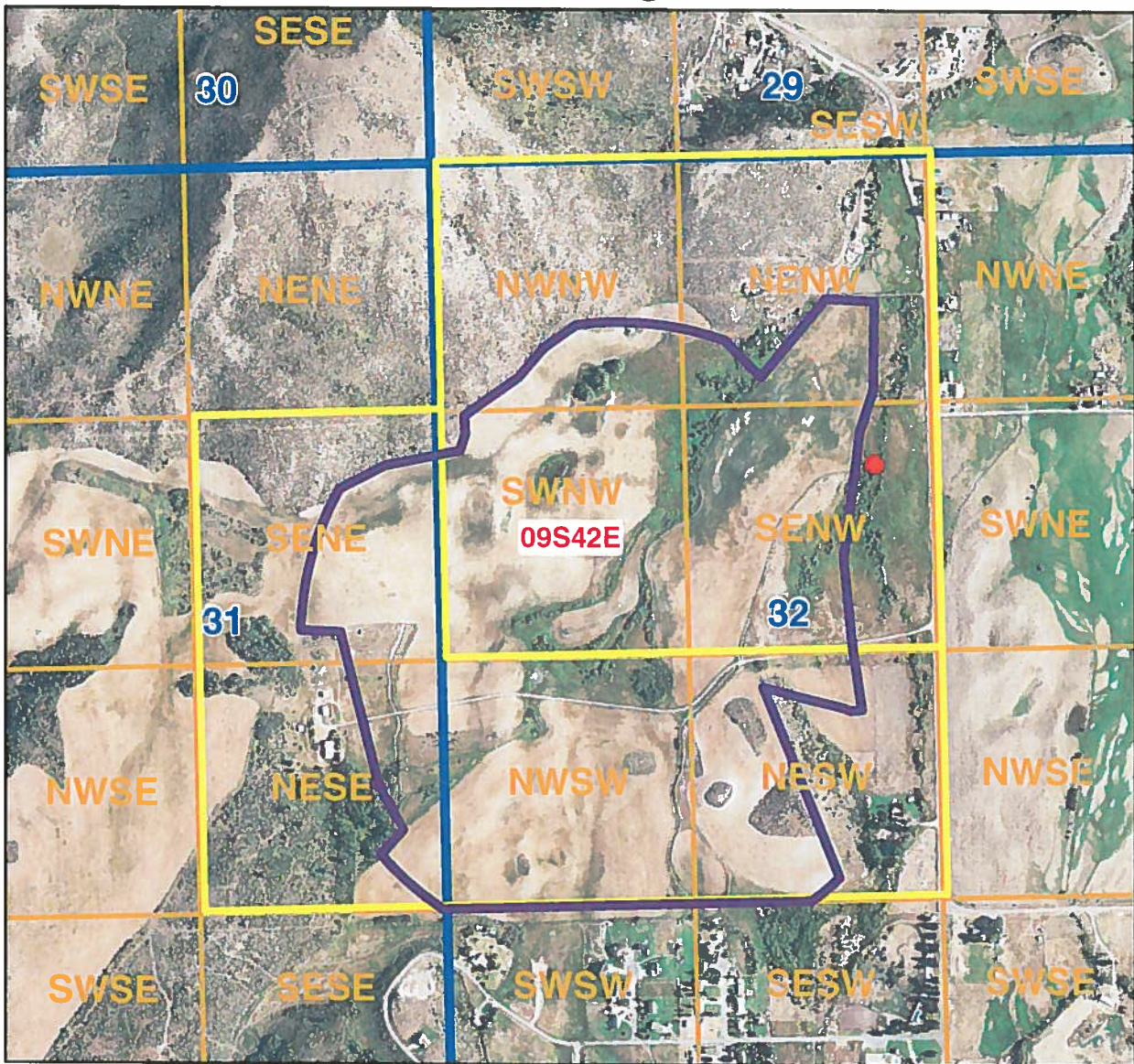
- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

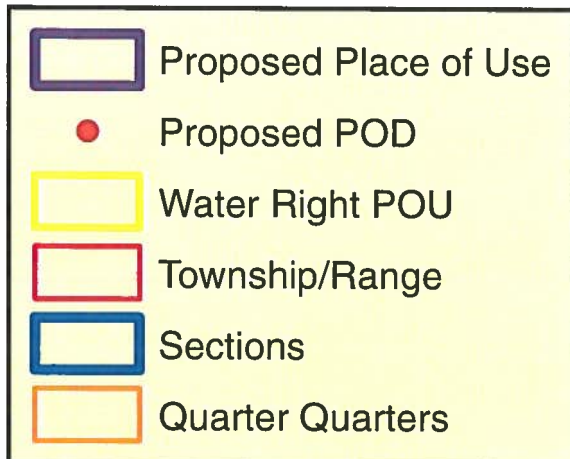
- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right,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

If yes, describe:

Crowther Transfer - Water Rights 11-373 and 11-375



2013 Aerial Photo



0 500 1,000 Feet



**IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report**

6/18/2014

Water Right 11-373

Owner Type **Name and Address**
Current Owner NOLAN CROWTHER
 PO BOX 785
 SODA SPRINGS, ID 83276
 (208)547-0111

Current Owner DANA CROWTHER
 PO BOX 785
 SODA SPRINGS, ID 83276
 (208)547-0111

Priority Date: 5/1/1886

Basis: Decreed

Status: Active

Source
BAILEY CREEK

Tributary
BEAR RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/20	9/30	1.800 CFS	
	<u>Total Diversion</u>		1.800 CFS	

Source and Point(s) of Diversion

BAILEY CREEK	NWSW	Sec. 5, Twp 10S, Rge 42E,	Caribou BEAR LAKE County
BAILEY CREEK	NENW	Sec. 5, Twp 10S, Rge 42E,	BEAR LAKE County

Place Of Use

IRRIGATION within BEAR LAKE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	42E	32					X	X	X	X									0.0

Conditions of Approval:

1. P/D, RHINEHART DITCH, HOPKINS-HENRY-RHINEHART DITCH.
P/U, AC IRR=90.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/18/2014

Water Right 11-375

Owner Type **Name and Address**
 Current Owner NOLAN CROWTHER
 PO BOX 785
 SODA SPRINGS, ID 83276
 (208)547-0111

Current Owner DANA CROWTHER
 PO BOX 785
 SODA SPRINGS, ID 83276
 (208)547-0111

Priority Date: 5/1/1886
Basis: Decreed
Status: Active

Source
 BAILEY CREEK

Tributary
 BEAR RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/20	9/30	1.600 CFS	
	<u>Total Diversion</u>		1.600 CFS	

Source and Point(s) of Diversion
 BAILEY CREEK NENW Sec. 5, Twp 10S, Rge 42E, ^{Caribou} BEAR LAKE County

Place Of Use
 IRRIGATION within BEAR LAKE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	42E	31				X									X				0.0
09S	42E	32									X	X							0.0

Conditions of Approval:

1. P/D, HOPKINS-HENRY-RHINEHART DITCH, RHINEHART DITCH.
 P/U, AC IRR=80.

6/18/2014

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DANA CROWTHER PO BOX 785 SODA SPRINGS, ID 83276 (208)547-0111

Current Owner NOLAN CROWTHER
PO BOX 785
SODA SPRINGS, ID 83276
(208)547-0111

Status: Active

BAILEY CREEK

Volume

0.020 CFS

0.040 CES

4.000 CFS

SPRING	NENESE	Sec. 31, Twp 09S, Rge 42E,	CARIBOU County
SPRING	SENESE	Sec. 31, Twp 09S, Rge 42E,	CARIBOU County
SPRING	SENWNW	Sec. 32, Twp 09S, Rge 42E,	CARIBOU County
SPRING	SWSWNW	Sec. 32, Twp 09S, Rge 42E,	CARIBOU County
SPRING	NWNWSW	Sec. 32, Twp 09S, Rge 42E,	CARIBOU County
SPRING	NENWSW	Sec. 32, Twp 09S, Rge 42E,	CARIBOU County

DOMESTIC within CARIBOU County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S	42E	32						X											

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S	42E	31				X									X				
09S	42E	32					X	X	X	X	X	X							

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/18/2014

IRRIGATION within CARIBOU County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	42E	31				21.4									17.1				38.5
09S	42E	32					9.6	9.6	39.7	23.1	16.0	40.0							138.0

POU Total Acres: 176.5

Conditions of Approval:

1. 2 PODs located in the NENESE, Sec 31; 5 PODs located in the SENESE, Sec 31; 6 PODs located in the NENWSW, Sec 32; all within Township 09S, Range 42E.