

# MINIMUM REQUIREMENTS CHECKLIST TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED

APR 24 2014

An application for transfer must be prepared in accordance with the minimum requirements listed below to be accepted 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 <http://www.idwr.idaho.gov/>.

Name of Applicant(s) JAMES ROBINSON

**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 transfer 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).
- ☐ ☐ #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 <http://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.)
- ☐ ☐ #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: \_\_\_\_\_

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant JAMES ROBINSON Phone 208-548-2255  
Mailing Address PO BOX 157, ROCKLAND ID 83271-0157 Email \_\_\_\_\_

- ☐ 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.

 \_\_\_\_\_ Owner 24 Apr 2014  
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

### A. PURPOSE OF TRANSFER

|    |         |       |     |     |         |               |               |
|----|---------|-------|-----|-----|---------|---------------|---------------|
| 1. | Right   | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|    | 41-7059 | No    | No  | Yes | No      | No            | No            |

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

Applicant is proposing to put in a new pivot. Transfer is shifting acres to reflect new system.

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

1. Detailed Water Right Description(s) Attached labeled Part 1.

**Summary of Water Rights After the Approved Change**

| Transferred<br>Right (All or<br>Part) | Transfer<br>Rate | Transfer<br>Volume | Acre Limit | Total Acres | Original<br>Right<br>(Remaining<br>Portion) | Remaining<br>Rate | Remaining<br>Volume | Remaining<br>Acre Limit | Remaining<br>Total Acres |
|---------------------------------------|------------------|--------------------|------------|-------------|---------------------------------------------|-------------------|---------------------|-------------------------|--------------------------|
| 41-7059                               | 0.300 cfs        | 127.3 af           | N/A        | 37.5        |                                             | N/A               | N/A                 | N/A                     | N/A                      |
| <b>COMBINED<br/>TOTALS</b>            |                  |                    |            |             |                                             |                   |                     |                         |                          |
|                                       | 0.300 cfs        | 127.3 af           | N/A        | 37.5        |                                             | N/A               | N/A                 | N/A                     | N/A                      |

2. Total amount of water proposed to be transferred or changed 0.3 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum

3. Points(s) of Diversion:

☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)

☒ As shown in Part 1.

☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

4. Place of Use:

☐ No changes to place of use are proposed. (Proceed to #5.)

☒ As shown in Part 1.

☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1 Transfer Right After Requested Changes**

**Proposed Water Right No. 41-7059**

Current Water Right Owner

JAMES ROBINSON  
PO BOX 157  
ROCKLAND, ID  
83271-0157

Priority Date: 6/16/1982

Origin: Water Right

Basis: License

Status Active

**Source:** EAST FORK ROCK CREEK

**Tributary:** ROCK CREEK

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 4/01        | 10/31     | 0.300 CFS             | 127.3 AFA     |                    |
| Total Diversion       |             |           | 0.300 CFS             | 127.3 AFA     |                    |

**Source and Point(s) of Diversion:**

EAST FORK ROCK CREEK

NWSE

Sec. 11 Twp 10S Rge 31E POWER 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 |        |
| 09S | 31E | 32  |    |    |    |    |    |    |    |    | 8.0 |    |    | 27.0 |    | 0.5 | 2.0 |    | 37.5   |

POU Total Acres: 37.5

**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

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- b. Who owns the property at the point(s) of diversion

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

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- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?  
No, ☐ 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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

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- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

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

| Yes                      | No                                  |                                                                                               |
|--------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | undergone a period of five or more consecutive years of non-use,                              |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently leased to the Water Supply Bank,                                                    |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

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

**Current Water Right No.** 41-7059

**Current Water Right Owner**  
 JAMES ROBINSON  
 PO BOX 157  
 ROCKLAND, ID  
 83271-0157

**Priority Date:** 6/16/1982

**Origin:** Water Right

**Basis:** License

**Status:** Active

**Source:** EAST FORK ROCK CREEK      **Tributary:** ROCK CREEK

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 4/01        | 10/31     | 0.300 CFS             | 127.3 AFA     |                    |
| Total Diversion       |             |           | 0.300 CFS             | 127.3 AFA     |                    |

**Source and Point(s) of Diversion:**  
 EAST FORK ROCK CREEK      NWSE      Sec. 11 Twp 10S Rge 31E POWER 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 |        |
| 09S | 31E | 32  |    |    |    |    |    |    |    |    |    |    |    | 7.5 |    |    | 30.0 |    | 37.5   |

POU Total Acres:      37.5

**Conditions/Remarks:**

1. 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.
2. The issuance of this right does not grant any right-of-way or easement across the land of another.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. This right when combined with the rights of the Bench Ditch Irrigation Co. shall not exceed the diversion rate and diversion volume of the Bench Ditch Irrigation Co. water rights.  
 This right shall not be exercised unless the owner holds adequate shares in the Bench Ditch Irrigation Co.

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

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

1. 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]

Transfer Contains 7 pages and                      attachments.  
Received By                      Date 4/24/2014 Prelim. Check By                      Date                       
Fee Paid \$500- Date 4-24-2014 Received By JJR Receipt # SO33972  
Add'l Fee Paid                      Date                      Received By                      Receipt #

New POU

32

09S31E

SWSW

SESW

SWSE

NWNW 4

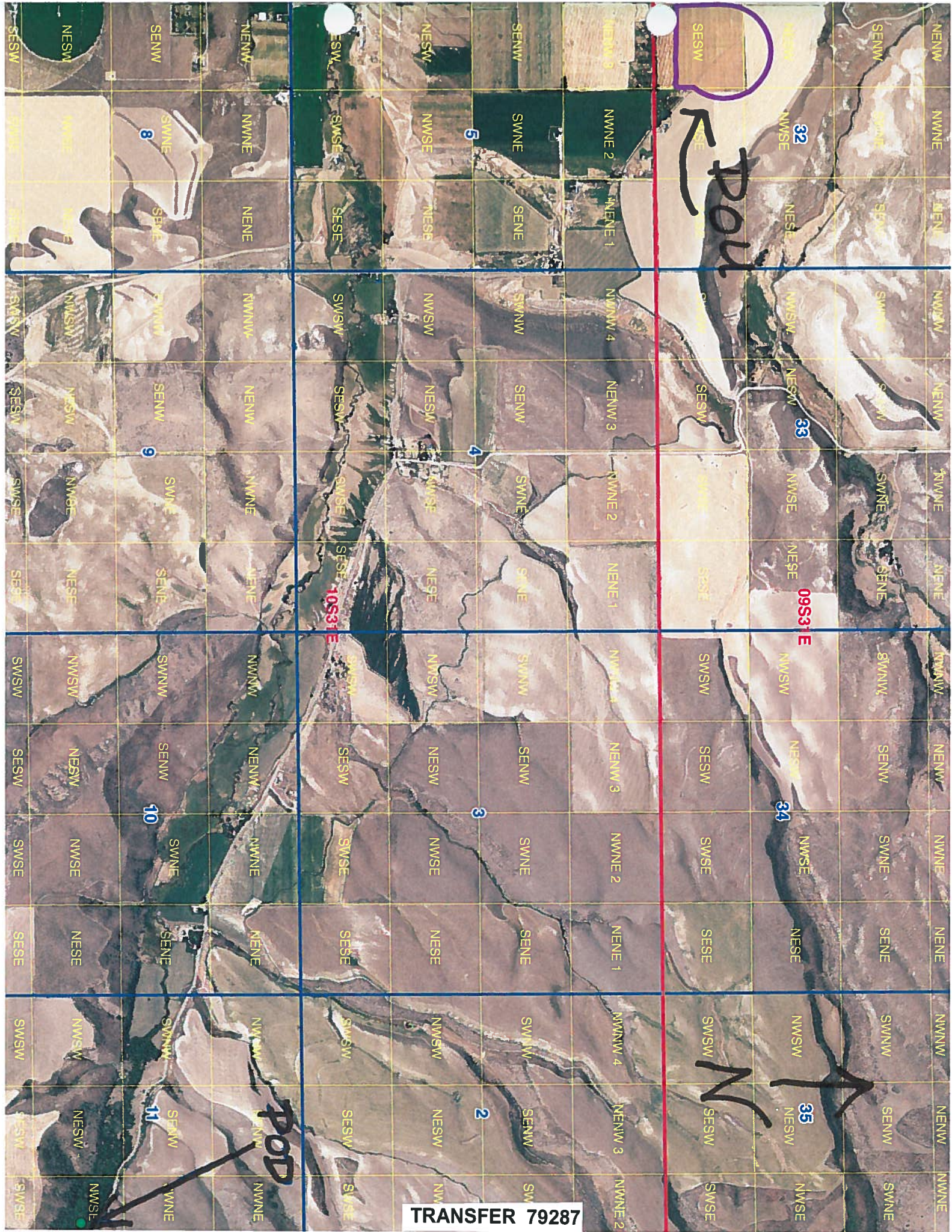
NWNW 3

5

10S31E

NWNE 2

TRANSFER 79287



TRANSFER 79287

## MEMORANDUM

**Date:** May 5, 2014  
**To:** Transfer 79287 File  
**From:** Jana Reeder  
**Re:** Evaluation of Sufficiency of Information Submitted

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Transfer proposes changing the place of use of water right 41-7059 on an existing farm by shifting the acreage to reflect new irrigation practices associated with a new pivot. An existing point diversion located on the East Fork of Rock Creek will be used to divert 0.3 cfs and 127.3 af for the irrigation of 37.5 acres.

The properties and points of diversions involved with the transfer are located outside of the ESPA but within Water District 41 so watermaster comments will be requested. (Applicant is the Watermaster for Water District 41) Recommend no advertise.

- **Authority to File:**  
The applicant is listed as the current owner of water right 41-7059 according to IDWR records.
- **Water Right Validity:**  
Water right was licensed on 9/6/1995. 2013 aerial photography show lands as currently irrigated.
- **Injury to Other Water Rights:**  
None anticipated. Point of diversion are not changing.
- **Enlargement of Use:**  
None anticipated.
- **Local Public Interest:**  
Acres are shifting to reflect actual irrigated acres. Recommend no advertise.
- **Beneficial Use/Conservation of Water Resources:**  
Proposed use is recognized as a beneficial use of water.
- **Effect on Economy of the Local Area:** No issues anticipated.
- **Effect on Agricultural Base of the Local Area:** No issues anticipated.

**Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.**