

RECEIVED

MAY 12 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79104

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 <http://www.idwr.idaho.gov/>.

Name of Applicant(s) RICHARD D PAYNE**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: _____

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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MAY 12 2014

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant RICHARD D PAYNE Phone (208)823-4377
Mailing Address PO BOX 113, CAREY ID 83320 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.

Richard D Payne RICHARD D PAYNE 5-12-14
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

I.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-527	No	No	Yes	Yes	No	No	
37-528	No	No	Yes	Yes	No	No	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

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 wishes to change irrigation system from a diesel powered pump to an electric powered pump, and
the cost of the installation of the lengthy power line is much higher than the cost of the mainline this
project requires. Applicant also wishes to chane POU to reflect irrigation changes.

- 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.**

- I. Detailed Water Right Description(s) Attached labeled Part I.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-527	2.180 cfs	N/A	N/A	222.0		N/A	N/A	N/A	N/A
37-528	0.800 cfs	N/A	N/A	222.0		N/A	N/A	N/A	N/A
COMBINED TOTALS	2.980 cfs	N/A	N/A	222.0		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 2.98 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 I.
- ☐ 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 I.
- ☐ See Attachment.

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

Proposed Water Right No. 37-527

Current Water Right Owner
RICHARD D PAYNE
PO BOX 113
CAREY, ID 83320

Priority Date: 4/1/1882

Origin: Water Right

Basis: Decreed

Status Active

Source: LITTLE WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	2.180 CFS	
Total Diversion			2.180 CFS	

Source and Point(s) of Diversion:

LITTLE WOOD RIVER	NWSWSE	Sec. 30 Twp 01N Rge 21E BLAINE County
LITTLE WOOD RIVER	NESW	Sec. 20 Twp 02S Rge 21E BLAINE County (I)
LITTLE WOOD RIVER	SESW	Sec. 20 Twp 02S Rge 21E BLAINE County (R)

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	
02S	21E	28					23	33	27	4.7									87.7
02S	21E	29	17.0		15.0	34.0									21.0	38.0	9.3		134.3

POU Total Acres: 222.0

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

Proposed Water Right No. 37-528

Current Water Right Owner
RICHARD D PAYNE
PO BOX 113
CAREY, ID 83320

Priority Date: 6/10/1883

Origin: Water Right

Basis: Decreed

Status Active

Source: LITTLE WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	0.800 CFS	
Total Diversion			0.800 CFS	

Source and Point(s) of Diversion:

LITTLE WOOD RIVER	NWSWSE	Sec. 30 Twp 01N Rge 21E BLAINE County
LITTLE WOOD RIVER	NESW	Sec. 20 Twp 02S Rge 21E BLAINE County (I)
LITTLE WOOD RIVER	SESW	Sec. 20 Twp 02S Rge 21E BLAINE County (R)

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	
02S	21E	28					23.0	33.0	27.0	4.7									87.7
02S	21E	29	17.0		15.0	34.0									21.0	38.0	9.3		134.3

POU Total Acres: 222.0

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 new measuring device will be installed on the diversion on the West Canal. A measuring device will be installed on the re-diversion on Silver Creek.

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

The Little Wood Irrigation District owns the property at the POD of the West Canal. The property at the point of injection is owned by applicant. The point of re-diversion on Silver Creek is owned by the applicant.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Applicant is a shareholder in the Little Wood Irrigation District.

- 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:

NA

- 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:

The Little Wood rights and the Silver Creek rights will still remain separate.

- 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:

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

Current Water Right No. 37-527

Current Water Right Owner
RICHARD D PAYNE
PO BOX 113
CAREY, ID 83320

Priority Date: 4/1/1882

Origin: Water Right

Basis: Decreed

Status: Active

Source: LITTLE WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	2.180 CFS	
Total Diversion			2.180 CFS	

Source and Point(s) of Diversion:
LITTLE WOOD RIVER NWSWSE Sec. 30 Twp 01N Rge 21E BLAINE 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	
02S	21E	28					23.0	40.0	18.0	0.5									81.5
02S	21E	29	17.0		3.5	33.0									15.0	37.0	35.0		140.5

POU Total Acres: 222.0

Conditions/Remarks:

1. WATER IS DELIVERED THROUGH WEST CANAL.
2. 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.
3. USE OF THIS RIGHT WITH RIGHT NO. 37-528 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 222 ACRES IN A SINGLE IRRIGATION SEASON.
4. USE OF THIS RIGHT IS COMBINED WITH WATER FROM LITTLE WOOD RIVER IRRIGATION DIST.

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

Current Water Right No. 37-528

Current Water Right Owner
 RICHARD D PAYNE
 PO BOX 113
 CAREY, ID 83320

Priority Date: 6/10/1883

Origin: Water Right

Basis: Decreed

Status: Active

Source: LITTLE WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	2.180 CFS	
Total Diversion			0.800 CFS	

Source and Point(s) of Diversion:
 LITTLE WOOD RIVER NWSWSE Sec. 30 Twp 01N Rge 21E BLAINE 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	
02S	21E	28					23.0	40.0	18.0	0.5									81.5
02S	21E	29	17.0		3.5	33.0									15.0	37.0	35.0		140.5

POU Total Acres: 222.0

Conditions/Remarks:

1. 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.
2. USE OF THIS RIGHT WITH RIGHT NO. 37-527 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 222 ACRES IN A SINGLE IRRIGATION SEASON.
3. WATER IS DELIVERED THROUGH WEST CANAL.
4. USE OF THIS RIGHT IS COMBINED WITH WATER FROM LITTLE WOOD RIVER IRRIGATION DIST.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☒ 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**.

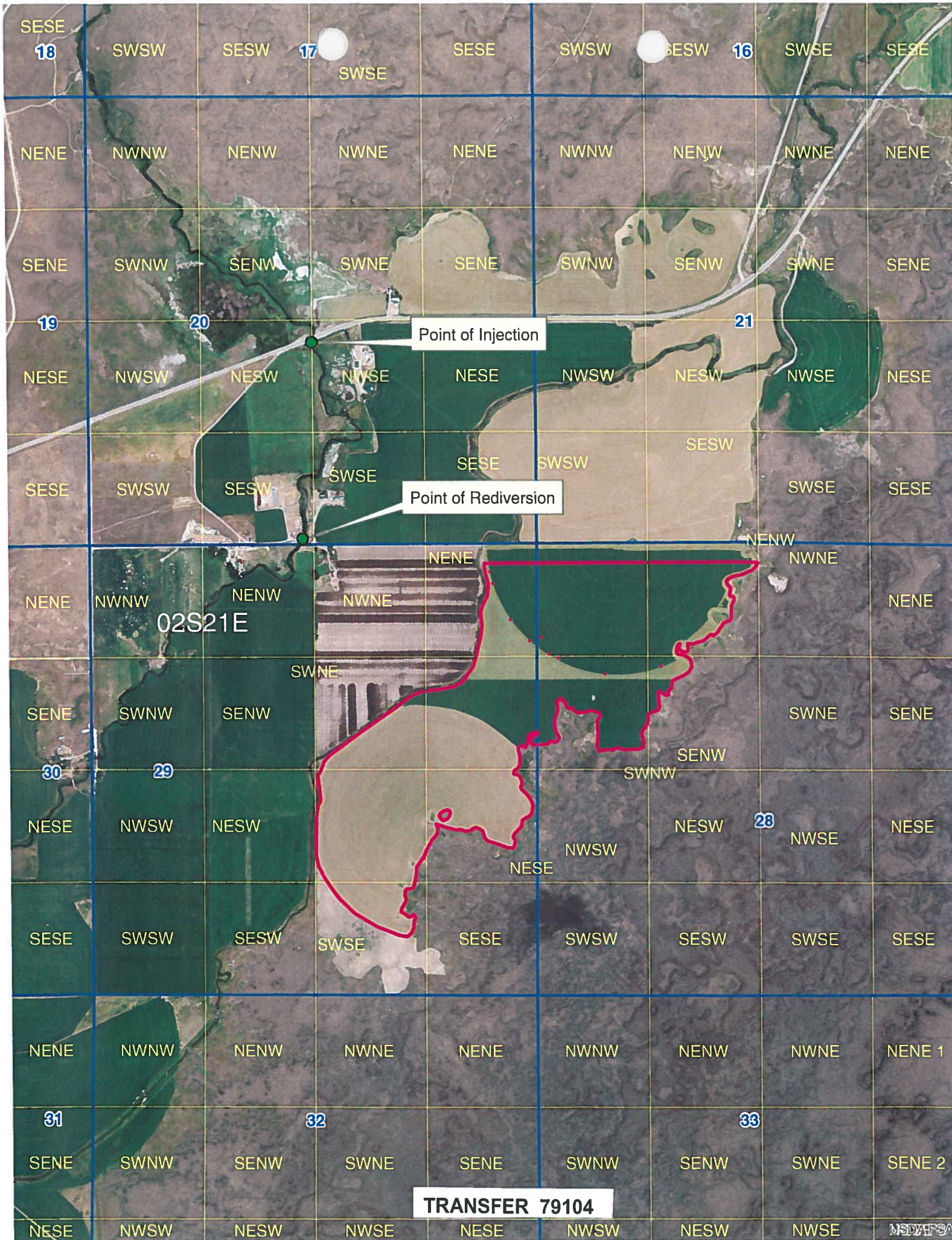
☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**

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 9 pages and attachments.

Received By _____	Date <u>4/1/2014</u>	Prelim. Check By _____	Date _____
Fee Paid <u>See original</u>	Date _____	Received By _____	Receipt # <u>S033927</u>
Add'l Fee Paid _____	Date _____	Received By _____	Receipt # _____



APR 01 2014

DEPARTMENT OF WATER RESOURCES

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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 <http://www.idwr.idaho.gov/>.

Name of Applicant(s) RICHARD D PAYNE

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.

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- ☐ ☒ #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.
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- ☐ ☒ #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: _____

APR 01 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant RICHARD D PAYNE Phone (208)823-4377
Mailing Address PO BOX 113, CAREY ID 83320 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**.
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- ☐ 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.

Richard D Payne Richard D Payne 4-1-14
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
	37-527	No	No	No	Yes	No	No
	37-528	No	No	No	Yes	No	No

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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 wishes to change irrigation system from a diesel powered pump to an electric powered pump, and the cost of the installation of the lengthy power line is much higher than the cost of the mainline this project requires.

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 Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-527	2.180 cfs	N/A	N/A	222.0		N/A	N/A	N/A	N/A
37-528	0.800 cfs	N/A	N/A	222.0		N/A	N/A	N/A	N/A

**COMBINED
TOTALS**

2.980 cfs N/A N/A 222.0 N/A N/A N/A N/A

2. Total amount of water proposed to be transferred or changed 2.98 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. 37-527

Current Water Right Owner
 RICHARD D PAYNE
 PO BOX 113
 CAREY, ID 83320

Priority Date: 4/1/1882

Origin: Water Right

Basis: Decreed

Status Active

Source: LITTLE WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	2.180 CFS	
Total Diversion			2.180 CFS	

Source and Point(s) of Diversion:

LITTLE WOOD RIVER	NWSWSE	Sec. 30 Twp 01N Rge 21E BLAINE County
LITTLE WOOD RIVER	NESW	Sec. 20 Twp 02S Rge 21E BLAINE County (I)
LITTLE WOOD RIVER	SESW	Sec. 20 Twp 02S Rge 21E BLAINE County (R)

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	
02S	21E	28					23.0	40.0	18.0	0.5									81.5
02S	21E	29	17.0		3.5	33.0									15.0	37.0	35.0		140.5

POU Total Acres: 222.0

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

Proposed Water Right No. 37-528

Current Water Right Owner
 RICHARD D PAYNE
 PO BOX 113
 CAREY, ID 83320

Priority Date: 6/10/1883

Origin: Water Right

Basis: Decreed

Status Active

Source: LITTLE WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	0.800 CFS	
Total Diversion			0.800 CFS	

Source and Point(s) of Diversion:

LITTLE WOOD RIVER	NWSWSE	Sec. 30 Twp 01N Rge 21E BLAINE County
LITTLE WOOD RIVER	NESW	Sec. 20 Twp 02S Rge 21E BLAINE County (I)
LITTLE WOOD RIVER	SESW	Sec. 20 Twp 02S Rge 21E BLAINE County (R)

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	
02S	21E	28					23.0	40.0	18.0	0.5									81.5
02S	21E	29	17.0		3.5	33.0									15.0	37.0	35.0		140.5

POU Total Acres: 222.0

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 new measuring device will be installed on the diversion on the West Canal. A measuring device will be installed on the re-diversion on Silver Creek.
- b. Who owns the property at the point(s) of diversion
The Little Wood Irrigation District owns the property at the POD of the West Canal. The property at the point of injection is owned by applicant. The point of re-diversion on Silver Creek is owned by the applicant.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Applicant is a shareholder in the Little Wood Irrigation District.
- 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:
NA
- 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:
The Little Wood rights and the Silver Creek rights will still remain separate.
- 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:

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

Current Water Right No. 37-527

Current Water Right Owner

RICHARD D PAYNE
 PO BOX 113
 CAREY, ID 83320

Priority Date: 4/1/1882

Origin: Water Right

Basis: Decreed

Status: Active

Source: LITTLE WOOD RIVER

Tributary: MALAD RIVER

Beneficial Use

IRRIGATION

From

04/15

To

10/31

Diversion Rate

2.180 CFS

Subuse Code

Total Diversion

2.180 CFS

Source and Point(s) of Diversion:

LITTLE WOOD RIVER

NWSWSE

Sec. 30 Twp 01N Rge 21E BLAINE 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	
02S	21E	28					23.0	40.0	18.0	0.5									81.5
02S	21E	29	17.0		3.5	33.0									15.0	37.0	35.0		140.5

POU Total Acres:

222.0

Conditions/Remarks:

1. 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.
2. USE OF THIS RIGHT WITH RIGHT NO. 37-528 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 222 ACRES IN A SINGLE IRRIGATION SEASON.
3. USE OF THIS RIGHT IS COMBINED WITH WATER FROM LITTLE WOOD RIVER IRRIGATION DIST.
4. WATER IS DELIVERED THROUGH WEST CANAL.

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

Current Water Right No. 37-528

Current Water Right Owner
 RICHARD D PAYNE
 PO BOX 113
 CAREY, ID 83320

Priority Date: 6/10/1883

Origin: Water Right

Basis: Decreed

Status: Active

Source: LITTLE WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	2.180 CFS	
Total Diversion			0.800 CFS	

Source and Point(s) of Diversion:
 LITTLE WOOD RIVER NWSWSE Sec. 30 Twp 01N Rge 21E BLAINE 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	
02S	21E	28					23.0	40.0	18.0	0.5									81.5
02S	21E	29	17.0		3.5	33.0									15.0	37.0	35.0		140.5

POU Total Acres: 222.0

Conditions/Remarks:

1. 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.
2. USE OF THIS RIGHT WITH RIGHT NO. 37-527 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 222 ACRES IN A SINGLE IRRIGATION SEASON.
3. USE OF THIS RIGHT IS COMBINED WITH WATER FROM LITTLE WOOD RIVER IRRIGATION DIST.
4. WATER IS DELIVERED THROUGH WEST CANAL.

☒ 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.:

Received By JB Date 2-5-14 Prelim. Check By JMB Date 2-5-14
 Fee Paid 660.⁰⁰ Date 4-1-14 Received By JMB Receipt # 5033927
 Add'l Fee Paid _____ Date _____ Received By _____ Receipt # _____





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 16, 2014

RICHARD D PAYNE
PO BOX 113
CAREY, ID 83320

RE: Transfer No. 79104
Water Right No(s). 37-527, 37-528

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **IDAHO MOUNTAIN EXPRESS on 5/21/2014 and 5/28/2014**. Protests to this application may be submitted for a period ending ten (10) days after the second publication **(June 9, 2014)**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 16, 2014

KEVIN LAKEY
WATER DISTRICT #37
107 W 1ST
SHOSHONE, ID 83352

Via E-mail

RE: Transfer No. 79104
Water Right No(s): 37-527, 37-528

Dear Mr. Lakey:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 16, 2014

ROBERT SIMPSON
WATER DISTRICT #37-N
PO BOX 355
CAREY, ID 83320

RE: Transfer No. 79104
Water Right No(s): 37-527, 37-528

Dear Mr. Simpson:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 16, 2014

IDAHO DEPT OF FISH & GAME
324 S 417 E, STE 1
JEROME, ID 83338

RE: Transfer No. 79104
Water Right No(s). 37-527, 37-528

Dear Fish & Game:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days.

The Department can publish notice of the application as soon as the initial review is completed. Therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application, or you may visit our website at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Southern Region

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, May 15, 2014 3:18 PM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mtn Express Cover Letter.docx; Idaho Mtn Express Ad.docx

Attached please find (1) legal notice being submitted for publication on May 21st & 28th, 2014. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 15, 2014

LEGAL NOTICE DEPARTMENT
IDAHO MOUNTAIN EXPRESS
PO BOX 1013
KETCHUM, ID 83340

RE: Transfer No. 79104
Water Right No(s): 37-527, 37-528

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before June 9, 2014. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79104**

RICHARD D PAYNE, PO BOX 113, CAREY, ID 83320; has filed Application No. 79104 for changes to the following water rights within BLAINE County(s): Right No(s). 37-527, 37-528. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes adding a point of injection and a point of redirection for two Little Wood River rights totaling 2.98 cfs used to irrigate 222 acres on a farm located approximately 5.0 to 5.8 miles south and 1.0 to 2.0 miles west of Carey. The proposed change will allow for the two Little Wood River rights to be diverted from the Little Wood River at the current point of diversion located approximately 5.75 miles north and 2.75 miles west of Carey, injected into Silver Creek at a location approximately 4.5 miles south and 2.1 miles west of Carey, and redirected from Silver Creek at a location approximately 5.0 miles south and 2.15 miles west of Carey. In addition, the transfer will modify the place of use to reflect changes in irrigation practices.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and the proposed transfers, please visit our website at www.idwr.idaho.gov and search under New Water Right Applications. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before June 9, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on May 21st & 28th, 2014

MEMORANDUM

Date: April 2, 2014
To: Transfer 79104, Richard Payne File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application proposes adding a point of injection and a point of redirection for two Little Wood River rights totaling 2.98 cfs used to irrigate 222 acres on a farm located approximately 5.0 to 5.8 miles south and 1.0 to 2.0 miles west of Carey. The proposed change will allow for the two Little Wood River rights to be diverted from the Little Wood River at the current point of diversion located approximately 5.75 miles north and 2.75 miles west of Carey, injected into Silver Creek at a location approximately 4.5 miles south and 2.1 miles west of Carey, and redirected from Silver Creek at a location approximately 5.0 miles south and 2.15 miles west of Carey.

In addition, the transfer will modify the place of use to reflect changes in irrigation practices.

- **Authority to File:**
The Department's database indicates that water rights 37-527 and 37-528 are owned by the applicant, Richard Payne. Application was signed by the applicant.
- **Water Right Validity:**
Rights 37-527 and 37-528 were partially decreed in the SRBA in September of 2006. Based on this, and aerial photography, it appears that forfeiture is not an issue.
- **Injury to Other Water Rights:**
None anticipated or foreseen.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated
- **Effect of the Agricultural Base of the Area:**
None 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.