

RECEIVED

MAY 13 2014

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

79307

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

☐ Change diversion point(s)

☒ Add diversion point(s)

☐ Ownership change

1. APPLICANT(S) Rich Estate Phone 208 945 2552

2. MAILING ADDRESS PO Box 222 City Paris

State ID Zip 83261 Email davemat@dcdi.net

☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.

☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.

☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes: see fee schedule.

☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 11-72

☐ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov Water Right Transfers, Step 1, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 0.75 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov Water Right Transfers, Online Resources.

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
14S	43E	11			SW	NW	Bear Lake	Paris Creek	
14S	43E	10			SW	NW	Bear Lake	Paris Creek	
14S	43E	10			SE	NE	Bear Lake	Paris Creek	

AMENDED

79307

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

In addition to the PODs that have been used historically, the proposed new POD is an initial diversion from Paris Creek into the Southfield Ditch, which carries the water to a pipe which the conveys it to existing irrigation structure

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

An easement agreement between Heninger and Southfield Ditch is attached.

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

Yes No

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

If yes, describe _____

7. MAP - ☐ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The Map Tool, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts> provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Daryl Sleight
Signature of applicant or authorized agent

DARYL SLEIGHT
Print name and title if applicable

5/12/14
Date

David H. Matthews
Signature of applicant or authorized agent

DAVID H. MATTHEWS
Print name and title if applicable

5/12/14
Date

9. FEE - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, [Water Right Transfers, Step 4](#) and in the [Application for Transfer Instructions](#).

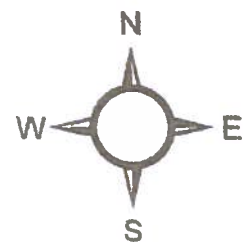
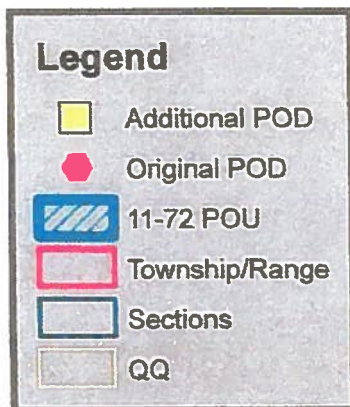
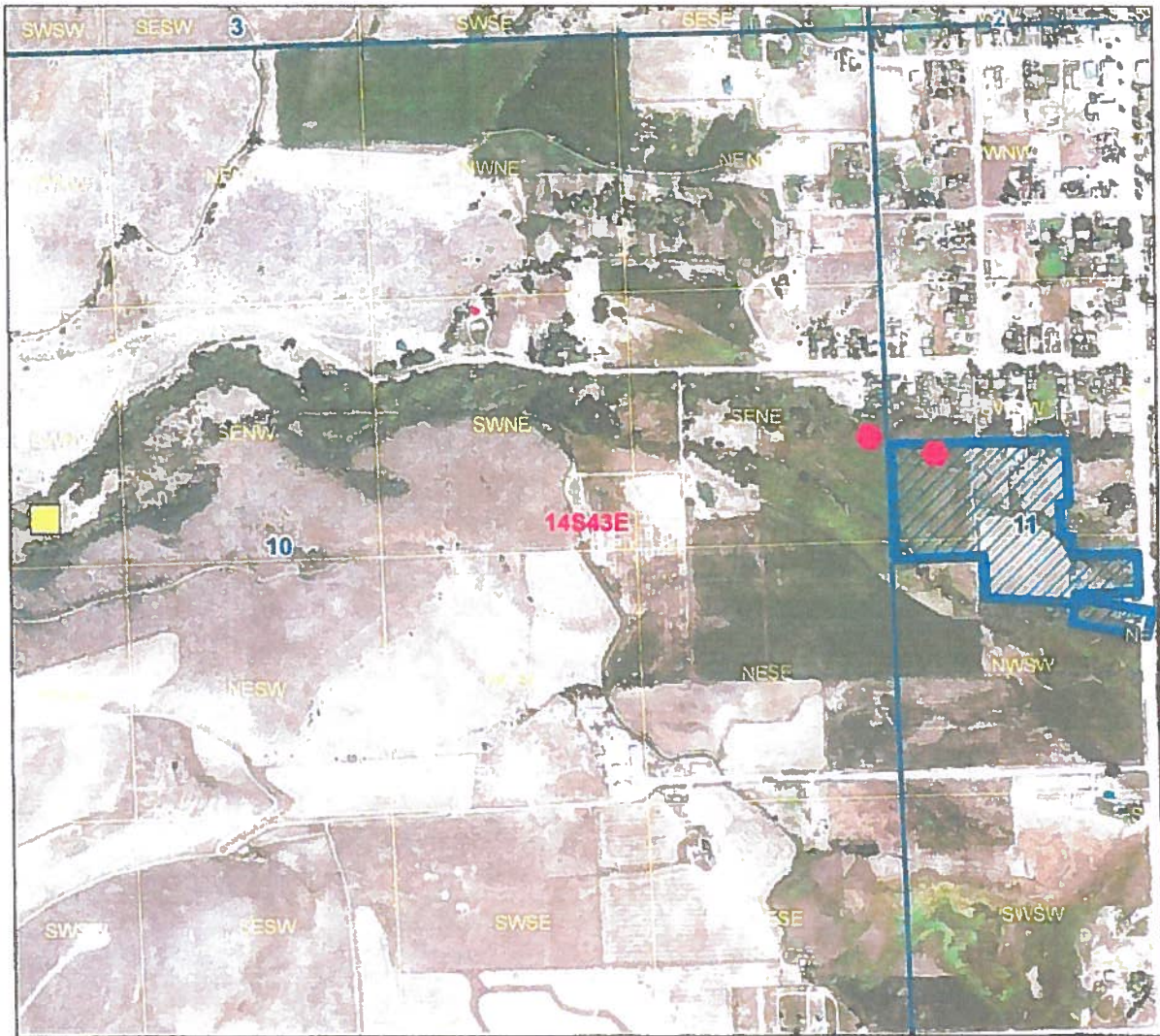
FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid _____ Date _____ Received by _____ Receipt # _____

Preliminary review completed by _____ Date _____

Rich Estate POD Addition



0 0.075 0.15 0.3 Miles

TO WHOM IT MAY CONCERN:

Daryl Sleight and David Matthews, share holders in Water Right 11-72 (Rich Estate), would like to add another point of diversion to this water right so that their portion of the right can be placed in the Southfield Ditch and then into a pipe line which allows them to sprinkle their property. The other two points of diversion listed in this water right will still be in effect. As share holders in this water right we approve of this application for a new point of diversion.

Signed: _____

Russell F. Goldstedt

Date: _____

May 2014

Signed: _____

Date: _____

TO WHOM IT MAY CONCERN:

Daryl Sleight and David Matthews, share holders in Water Right 11-72 (Rich Estate), would like to add another point of diversion to this water right so that their portion of the right can be placed in the Southfield Ditch and then into a pipe line which allows them to sprinkle their property. The other two points of diversion listed in this water right will still be in effect. As share holders in this water right we approve of this application for a new point of diversion.

Signed: Eleanore H. Arnell Date: 5-1-13^{ER}
Signed: _____ Date: _____

TO WHOM IT MAY CONCERN:

Daryl Sleight and David Matthews, share holders in Water Right 11-72 (Rich Estate), would like to add another point of diversion to this water right so that their portion of the right can be placed in the Southfield Ditch and then into a pipe line which allows them to sprinkle their property. The other two points of diversion listed in this water right will still be in effect. As share holders in this water right we approve of this application for a new point of diversion.

Signed: Bryan A. O'Neill Date: 5/1/14
Signed: _____ Date: _____

TO WHOM IT MAY CONCERN:

Daryl Sleight and David Matthews, share holders in Water Right 11-72 (Rich Estate), would like to add another point of diversion to this water right so that their portion of the right can be placed in the Southfield Ditch and then into a pipe line which allows them to sprinkle their property. The other two points of diversion listed in this water right will still be in effect. As share holders in this water right we approve of this application for a new point of diversion.

Signed: _____

Date: _____

Signed: _____

Date: _____

CHAD HULME

TO WHOM IT MAY CONCERN:

Daryl Sleight and David Matthews, share holders in Water Right 11-72 (Rich Estate), would like to add another point of diversion to this water right so that their portion of the right can be placed in the Southfield Ditch and then into a pipe line which allows them to sprinkle their property. The other two points of diversion listed in this water right will still be in effect. As share holders in this water right we approve of this application for a new point of diversion.

Signed: Joseph T. Con Date: 4-16-2014
Signed: Lianne Brown Date: 4-16-2014

TO WHOM IT MAY CONCERN:

Daryl Sleight and David Matthews, share holders in Water Right 11-72 (Rich Estate), would like to add another point of diversion to this water right so that their portion of the right can be placed in the Southfield Ditch and then into a pipe line which allows them to sprinkle their property. The other two points of diversion listed in this water right will still be in effect. As share holders in this water right we approve of this application for a new point of diversion.

Signed: Paul E. Burns Date: 4-16-14
Signed: Carol A Burns Date: 4-16-14

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 23 2014

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Rich Estate Phone 208 945 2552

Mailing address PO Box 222 Paris Idaho 83261 Email davemat@dcdi.net

- ☐ 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.

Daryl Sleight
Signature of Applicant or Authorized Representative

DARYL SLEIGHT
Print Name and Title if applicable

4/8/2014
Date

David H. Matthews
Signature of Applicant or Authorized Representative

DAVID H. MATTHEWS
Print Name and Title if applicable

4/8/2014
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 application proposes to add a point of diversion and change the place of use, both to reflect current irrigation practices utilizing the right's water.

79307 **SUPERCEDED**

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	☒		11-72	0.75	Irrigation	05/01 to 09/15	Paris Creek
	☐					to	
	☐					to	
	☐					to	
	☐					to	
	☐					to	
	☐					to	
	☐					to	
	☐					to	

Total authorized under rights 0.75 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.75 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 #
No			SW	NW	11	14S	43E	Bear Lake	Paris Creek	
No			SW	NW	10	14S	43E	Bear Lake	Paris Creek	
No			SE	NE	10	14S	43E	Bear Lake	Paris 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	
14S	43E	11							10.1										10.1
14S	43E	11										4.6							4.6
14S	43E	10				3.1													3.1
Total Acres (for irrigation use)																			17.8

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:
In addition to the PODs that have been used historically, the proposed new POD is an initial diversion from Paris Creek into the Southfield Ditch. The Southfield Ditch then conveys the water to a pipe which diverts it from the ditch and carries it to existing irrigation structures already in place at the POU.

- b. Who owns the property at the point(s) of diversion? Earl Heninger
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
An easement agreement between Heninger and Southfield Ditch is attached.

- 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: No

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:
The land will continue to be irrigated by shares from the Southfield Irrigation Ditch or through domestic City of Paris water for lot owners with under a half acre in the original 11-72 decree.

- 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:
Southfield Ditch water is also diverted at the proposed POD and overlaps in some places with the proposed POU.

- 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:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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.

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 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**.

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:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

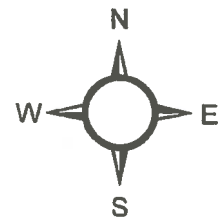
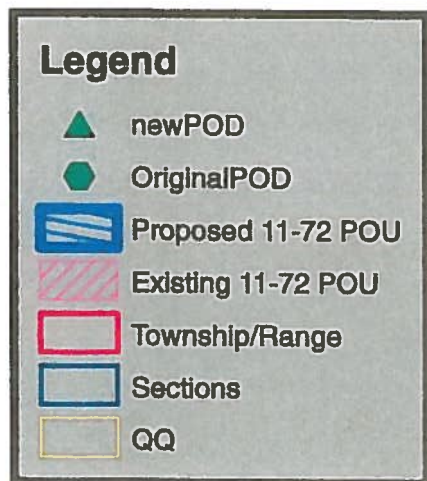
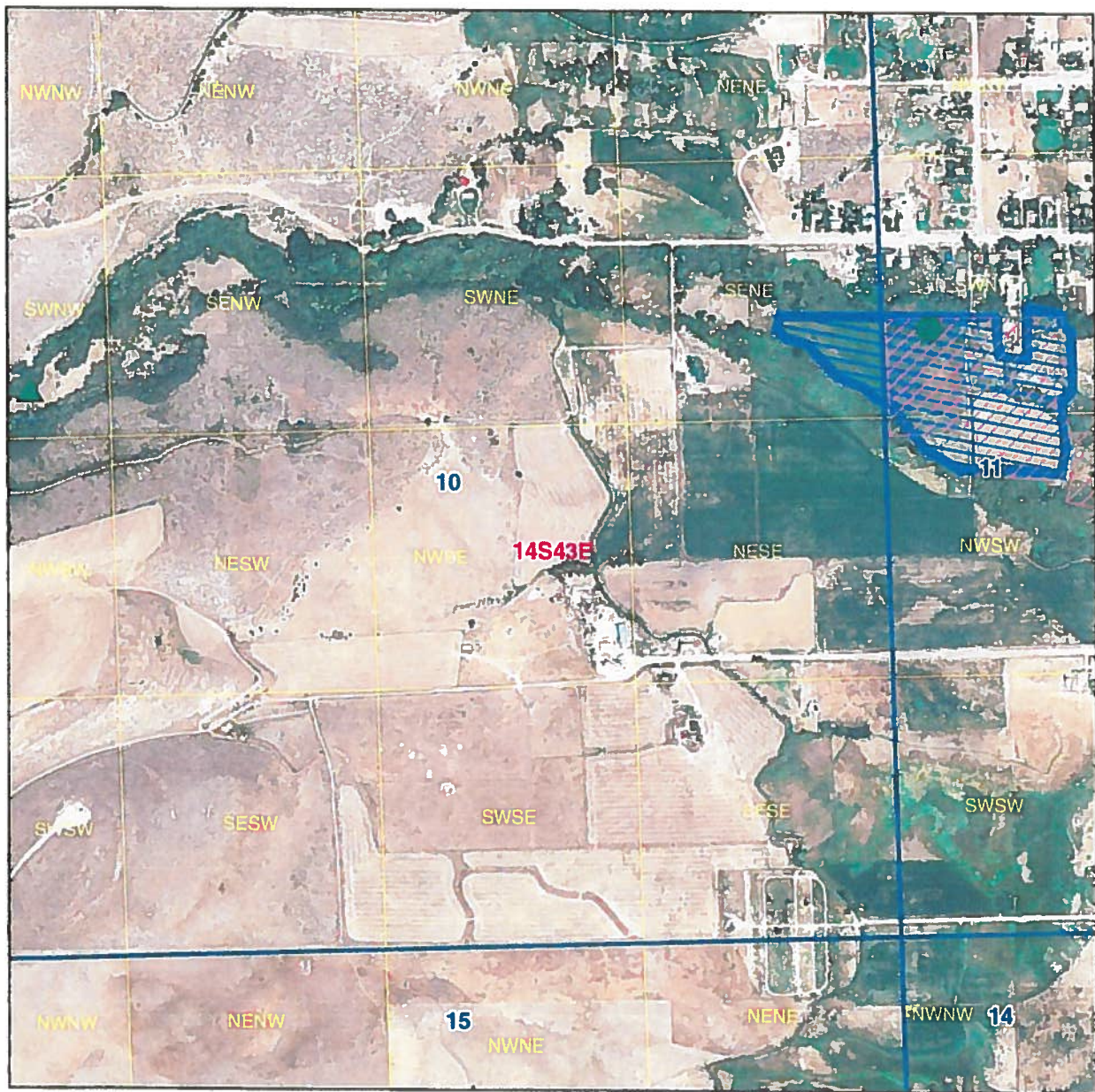
FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

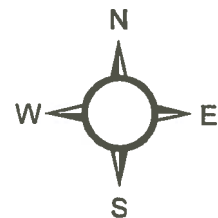
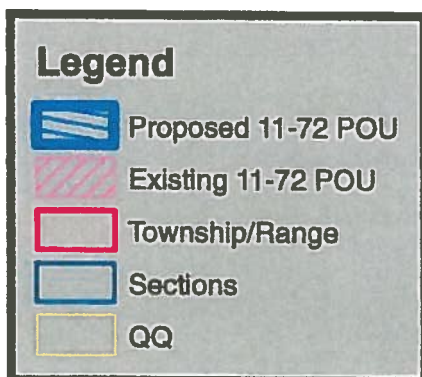
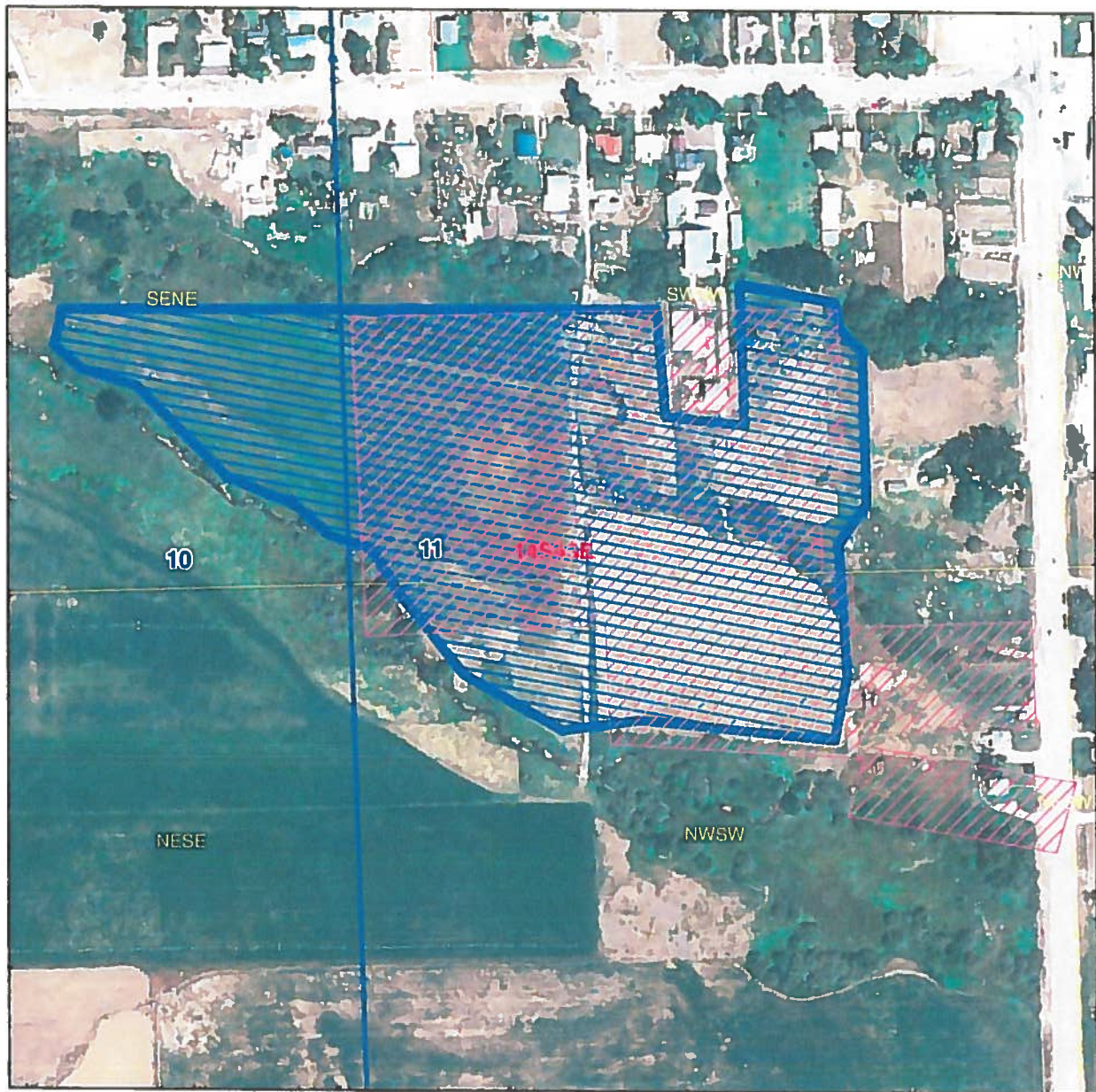
Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$250 Date 04/29/2014 Received by WCF Receipt # E039777

Add'l fee paid \$750 Date 04/29/2014 Received by 11CF Receipt # E039778



Rich Estate POU Change Proposal



79 307

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/7/2014

Water Right 11-72

Owner Type **Name and Address**
Current Owner RICK EST
 ZZ

Priority Date: 5/1/1864

Basis: Decreed

Status: Active

Source
PARIS CREEK

Tributary
BEAR LAKE OUTLET

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	9/15	0.750 CFS	
	<u>Total Diversion</u>		0.750 CFS	

Source and Point(s) of Diversion
PARIS CREEK

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	
14S	43E	11					X	X	X	X	X	X							0.0

Conditions of Approval:

1. P/D 2 POINTS OF DIVERSION

Comments:

1. cpadilla 9/18/2006 POU
Updated Shape
2. cfritz 2/26/2014 POU
Updated Shape

Dates and Other Information

Decreed Date: 7/27/1932
Judicial District: Fifth District
Water District Number: 11E
Decree Defendant: Southfield Ditch & Canal Co, et al
Decree Plaintiff: Pioneer Irrigation & Manufacturing Co
Mitigation Plan: False

Combined Use Limits

N/A

TO WHOM IT MAY CONCERN:

Daryl Sleight and David Matthews, share holders in Water Right 11-72 (Rich Estate), would like to add another point of diversion to this water right so that their portion of the right can be placed in the Southfield Ditch and then into a pipe line which allows them to sprinkle their property. The other two points of diversion listed in this water right will still be in effect. As share holders in this water right we approve of this application for a new point of diversion.

Signed: Joseph T. Cron Date: 4-16-2014

Signed: Lynanne Cron Date: 4-16-2014

TO WHOM IT MAY CONCERN:

Daryl Sleight and David Matthews, share holders in Water Right 11-72 (Rich Estate), would like to add another point of diversion to this water right so that their portion of the right can be placed in the Southfield Ditch and then into a pipe line which allows them to sprinkle their property. The other two points of diversion listed in this water right will still be in effect. As share holders in this water right we approve of this application for a new point of diversion.

Signed: Mark E. Burns Date: 4-16-14

Signed: Carol A Burns Date: 4-16-14

A DOCUMENT

Agreement between Southfield Ditch and Canal Company and the Rich Estate. Comprising of Daryl Sleight and David Matthews.

Dated 8th March 2014

For: This to let Rich Estate run their water (.75 cubic feet per second) through the Southfield Ditch and Canal Company's ditch.

Why: the Rich Estate requested the use of the Southfield Ditch.

Payment for use of the Ditch: The number of acres that are irrigated by the Rich Estate (five acres by David Matthews and 13 acres by Daryl Sleight) shall be assessed by one share to the acre and shall pay the same as the Southfield Ditch and Canal Company shares holders pay for their acreage.

Agreement for Rich Estate to use the water: They shall be able to use their water on a continuous basis. If there is a break in the usage of the water the Rich Estate will notify the Water Master before the water is used again so that the operation of the Southfield Ditch is not disrupted. The unused portion of the Rich Estate water while it is diverted into the Southfield Ditch may be used by the Southfield Ditch.

Length of the agreement shall be perpetual with the right to cancel by either party at any time by written notice.

Signed: The Southfield Ditch President Richard Stocker

Richard J. Stocker

Signed: Rich Estate: David Matthews

David D. Matthews 4/8/2014

Daryl Sleight Daryl Sleight