

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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JAN 14 2014

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Steven and Susan Johnson Phone (208) 768-2000

Mailing address 1019 Lee Creek Road, Leadore, ID 83464 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.

Steve Johnson
Signature of Applicant or Authorized Representative

owner
Print Name and Title if applicable

1-14-14
Date

Susan Johnson
Signature of Applicant or Authorized Representative

owner
Print Name and Title if applicable

1/14/14
Date

A. PURPOSE OF TRANSFER

(only 74-2156)

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
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**.

We would like to combine a 12-acre portion of water right 74-2156 and a 72.2-acre portion of water right 74-284B with water rights 74-282B and 74-283B to create a 303 acre combined place of use. The combined POU will reflect the acres currently being irrigated. The point of diversion for the 12-acre portion of right 74-2156 will also be changed.

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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	74-2156	0.24 cfs	Irrigation (12 acres)	3/15 to 11/15	Mill Cr tributary to Lemhi R
☒ ☐	74-282B	1.64 cfs	Irrigation	3/15 to 11/15	Mill Cr tributary to Lemhi R
☒ ☐	74-283B	3.20 cfs	Irrigation	3/15 to 11/15	Mill Cr tributary to Lemhi R
☐ ☒	74-284B	1.35 cfs	Irrigation	3/15 to 11/15	Mill Cr tributary to Lemhi R
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 6.43 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.77 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 #
	2		SE	NE	15	16N	24E	Lemhi	Mill Creek	M-6 Ditch

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	
16N	25E	7									40.0	41.0	41.0	40.0		34.5	38.3		234.8
												L3	L4						
16N	24E	12													21.4			15.3	36.7
16N	25E	18					18.5	13.0											31.5
								L1											
Total Acres (for irrigation use)																			303

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:
Water will be diverted from the M-6 ditch on Mill Creek. The point of diversion is currently monitored and regulated by the watermaster for WD74Q (Mill Creek).

- b. Who owns the property at the point(s) of diversion? BLM
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Historic easement. Ditch has been in place for over 100 years.

- 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:
Only 303 acres will be irrigated on the property - as described in the proposed place of use. All other acres will not be irrigated.

- 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:
None. Water right 74-2156 partially overlaps water right 74-1009. This transfer proposes to move a 12-acre portion of right 74-3156 that does not overlap with right 74-1009.

- 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 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each **water right** listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 74-284B

1. amount 1.35 cfs (cfs/ac-ft) for Irrigation purposes from 3/15 to 11/15
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (**GIS**) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If 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**.

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:

FOR DEPARTMENT USE ONLY

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

79086

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-282B

WATER RIGHT NUMBER: 74-282B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STEVEN L JOHNSON 1019 LEE CREEK RD LEADORE, ID 83464-5011 (208)768-2000
Current Owner	SUSAN JOHNSON 1019 LEE CREEK RD LEADORE, ID 83464 (208)768-2000

Priority Date: 09/24/1909

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MILL CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.640 CFS	
	<u>Total Diversion:</u>	1.640 CFS	

Location of Point(s) of Diversion

MILL CREEK	L2 (SE1/4NE1/4)	Sec. 15, Twp 16N, Rge 24E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	25E	7																	
													41.0	41.0					82.0
													L 3	L 4					

Total Acres: 82

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-283B

WATER RIGHT NUMBER: 74-283B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STEVEN L JOHNSON 1019 LEE CREEK RD LEADORE, ID 83464-5011 (208)768-2000
Current Owner	SUSAN JOHNSON 1019 LEE CREEK RD LEADORE, ID 83464 (208)768-2000

Priority Date: 09/24/1909

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MILL CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	3.200 CFS	
	<u>Total Diversion:</u>	3.200 CFS	

Location of Point(s) of Diversion

MILL CREEK	L2 (SE1/4NE1/4)	Sec. 15, Twp 16N, Rge 24E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	25E	7									40.0				40.0				120.0
16N	25E	18																	17.0

Total Acres: 137

Conditions of Approval:

1. E64 This right authorizes the irrigation of 136.8 total acres.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-284B

WATER RIGHT NUMBER: 74-284B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RICHARD L TYLER 796 LEE CREEK RD LEADORE, ID 83464 (208)768-2401
Current Owner	MARGARETE E TYLER 796 LEE CREEK RD LEADORE, ID 83464 (208)768-2401

Priority Date: 09/24/1909

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MILL CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15	to 11/15	1.600 CFS	
	<u>Total Diversion:</u>		1.600 CFS	

Location of Point(s) of Diversion

MILL CREEK	L2 (SE1/4NE1/4)	Sec. 15, Twp 16N, Rge 24E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	24E	12													40.0				40.0
16N	25E	7															29.0		29.0
16N	25E	18							17.0										17.0
									L 1										

Total Acres: 86

Conditions of Approval:

1. E64 This right authorizes the irrigation of 85.7 total acres.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-2156

WATER RIGHT NUMBER: 74-2156

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STEVEN L JOHNSON 1019 LEE CREEK RD LEADORE, ID 83464-5011 (208)768-2000
Current Owner	SUSAN JOHNSON 1019 LEE CREEK RD LEADORE, ID 83464 (208)768-2000

Priority Date: 06/19/1913

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MILL CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15	to 11/15	0.900 CFS	
	<u>Total Diversion:</u>		0.900 CFS	

Location of Point(s) of Diversion

MILL CREEK	NW1/4NW1/4	Sec. 12, Twp 16N, Rge 24E, B.M.
LEMHI County		
MILL CREEK	NW1/4SE1/4	Sec. 11, Twp 16N, Rge 24E, B.M.
LEMHI County		

Place of Use

IRRIGATION

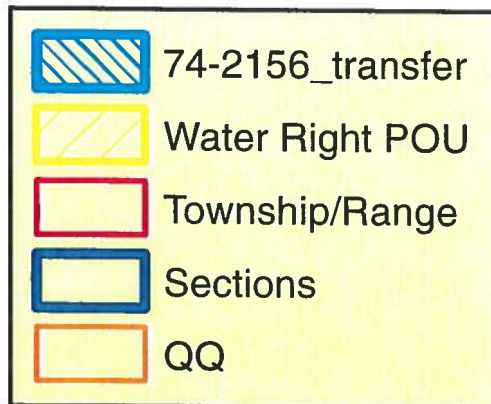
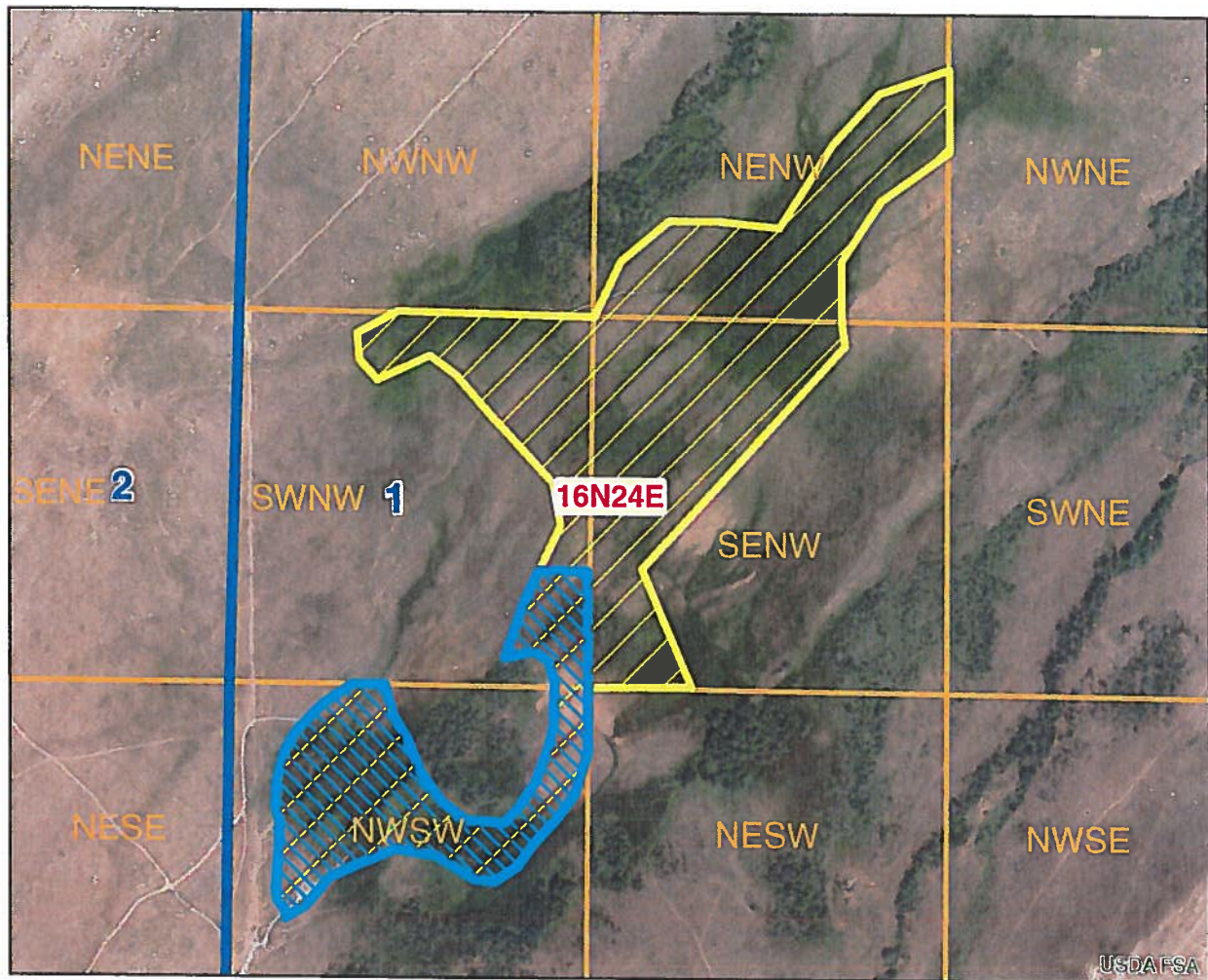
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
16N	24E	1	10.0	10.0	15.0	10.0	10.0	10.0	15.0	10.0	10.0	10.0	15.0	10.0	45.0

Total Acres: 45

Conditions of Approval:

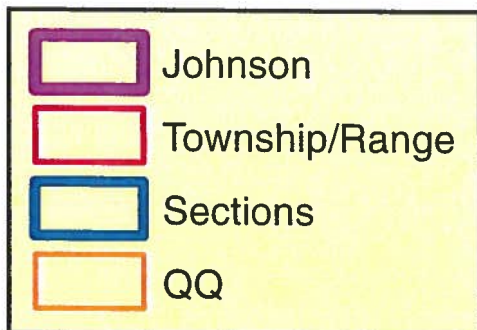
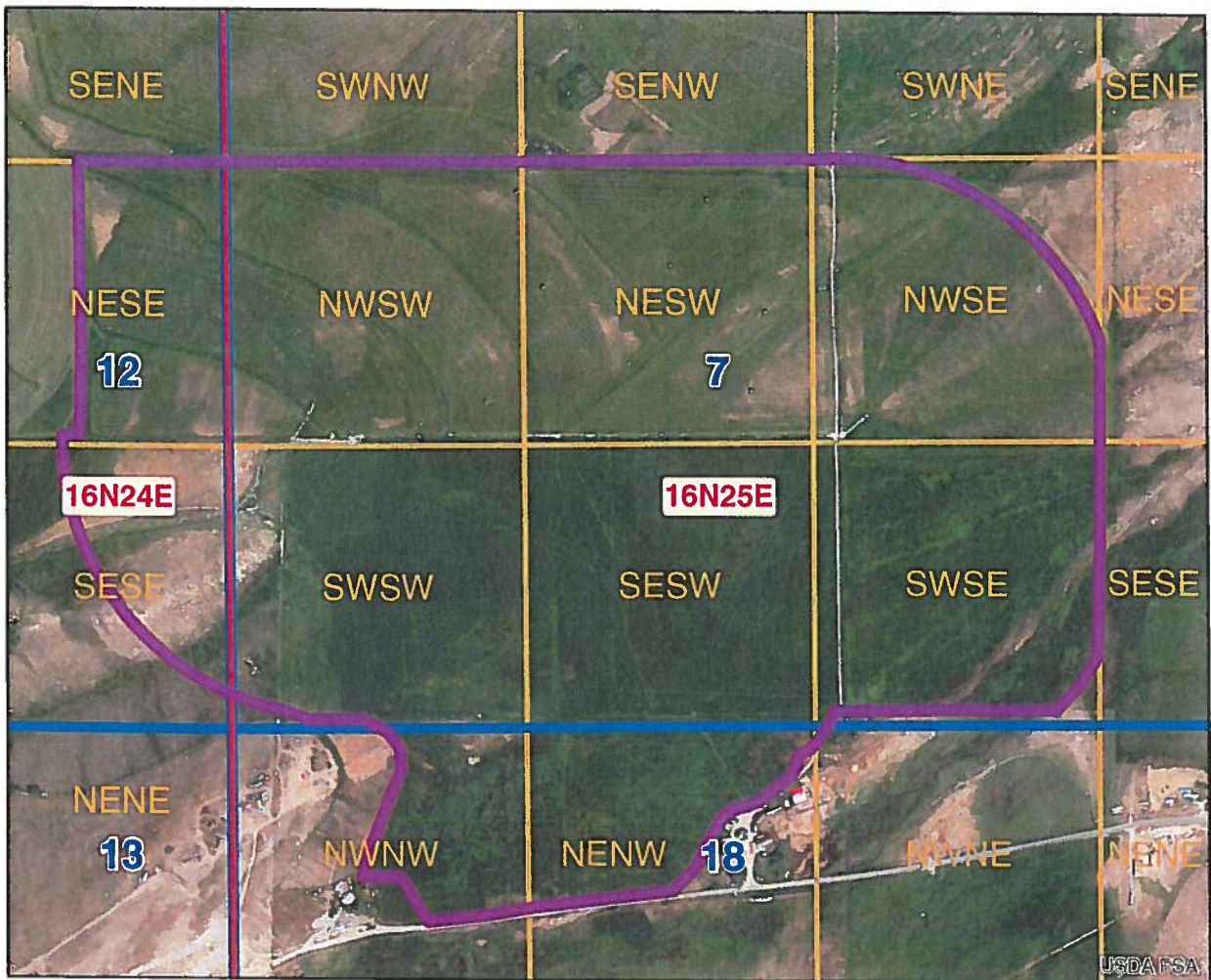
1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

12-acre Portion of 74-2156 to be Transferred



2011 Aerial Photography

Johnson Transfer - Proposed POU (303 acres)



2011 Aerial Photography