

Exchange No. 78939

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXCHANGE OF WATER

Under the provisions of Section 42-240, *Idaho Code*, any person holding a surface water right may apply to exchange such water for the use of water from the same source or a different surface water source. Surface water right holders may also apply to exchange for the use of water authorized for diversion under one or more other valid water rights from the same source or a different surface water source.

1. INFORMATION ABOUT THE APPLICANT

Applicant Rex Maughan Telephone No: 480-998-8888
(Name of Applicant)
7501 E McCormick Pkwy Scottsdale AZ 85258 Email: _____
(Mailing Address) (Zip Code)

Applicant's Water Right(s) to be exchanged 23-9B
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

2. INFORMATION ABOUT THE CO-APPLICANT

Complete this portion if the applicant proposes to exchange for water diverted under a water right held by another party. The co-applicant is the holder of the right to be exchanged for the applicant's right. If more space is needed, please attach another sheet containing information about each co-applicant.

Co-applicant _____ Telephone No: _____
(Name of Co-applicant)

(Mailing Address) (Zip Code) Email: _____

Co-applicant's Water Right(s) to be exchanged _____
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

3. EXCHANGE AGREEMENT -- Attach a copy of the written agreement between the applicant and the co-applicant(s).

4. EXCHANGE INFORMATION -- Complete Part A or Part B to explain how the proposed exchange will operate.

Part A -- For an exchange involving two or more water right holders.

The applicant proposes to divert _____ cfs and/or _____ acre feet per year of water authorized to be diverted under the co-applicant's water right(s) listed above at _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Additional points of diversion, if any: _____

In exchange for authorization to divert water as described above, _____ cfs and/or _____ acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (complete 1 or 2 below):

1. made available to the co-applicant for diversion at _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.
Additional points of diversion, if any: _____

OR

2. released from storage by the co-applicant into _____ at _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

AMENDED

Part B-- For an exchange involving only the applicant's water right(s).

The applicant proposes to divert 0.76 cfs and/or _____ acre feet per year of water at SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____ Sec. 05 Township 03N Range 41E B.M., Bonneville County. Additional points of diversion, if any: _____

In exchange for authorization to divert water as described above, 0.76 cfs and/or _____ acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (complete 1 or 2 below):

1. diverted from Kelly Creek at SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot 2 Sec. 32 Township 04N Range 41E B.M., Bonneville County and injected into Snake River at SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____ Sec. 32 Township 04N Range 41E B.M., Bonneville County.

OR

2. released from storage by the applicant into _____ at _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Additional Explanation – Attach additional sheets if necessary.

See attached

If this exchange is not intended to be a permanent arrangement, please describe the circumstances under which the proposed exchange will terminate. _____

5. MAPS – Attach two maps, one showing the water right(s) as it is (they are) now used, and another showing how the water right(s) will be used under the proposed exchange. Each map should be on an 8½"x11" sheet and should clearly identify the locations of the point(s) of diversion, injection, and re-diversion of water and the place(s) of use by 40-acre subdivisions, section, township and range of the public land survey. Photocopies of USGS 7½-minute topographic quadrangles are preferred as base maps.

SIGNATURE

Applicant hereby asserts that no one will be injured by such exchange of water and acknowledges that the applicant and/or the co-applicant will be responsible for all actions taken pursuant to this exchange. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Applicant's Signature (and title if application is for an organization) _____

Date 11/25/13

FOR DEPARTMENT USE ONLY

This exchange application contains _____ pages, including attachments.

Received by _____ Date _____ Fee _____

Receipted by _____ Date _____ Receipt No. _____

Preliminary review by _____

Published in _____

Publication dates _____

Protests filed by _____

Copies of protests forwarded by _____

Watermaster recommendation requested on _____

Watermaster recommendation received on _____

Hearing held by _____ Date _____

Recommended for Approval _____ Denial _____ By _____

Rev. 07/11

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78939APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Rex Maughan Phone (480) 998-8888Mailing address 7501 E McCormick Pkwy Scottsdale AZ 85258 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 RepresentativeName of Representative Fosterland And Cattle Phone _____Mailing address PO Box 40 Ririe ID 83443 Email _____

RECEIVED

NOV 13 2013

Department of Water Resources
Eastern Region

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it Attachment #4.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative

Rex Maughan
Print Name and Title if applicable10/8/13
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

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 acres, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2. See Attached

78939

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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	23-9B	.76 cfs	Irrigation	04/01 to 10/31	Kelly Creek/Snake River
☐ ☐		.02	Stockwater	04/01 to 10/31	Kelly Creek/Snake River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .76 cfs and/or _____ ac-ft

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

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
	2		SE	SW	04N	41E	32	Bonneville	Kelly Creek	Injection
			SW	SW	03N	41E	5	Bonneville	Snow River	Re-diversion

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	

Total Acres (for irrigation use) _____

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: An electric pump w/ an approved meter

base & pressure/Flow gauge.

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

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

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:

- 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:

N/A

- 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:

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**.

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 is no handwriting or other markings on the paper.

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

78930

For the past several years we have been using the Snake River as a point of diversion for our pump that services the Rex Maughan property. Both water rights under 23-9B that are carried in Kelly Creek are being injected into the Snake River just North of our pump location to offset the usage of the water at the requested point of re-diversion on our application. All additional water being used is covered by Palisades Water shares.

We were under the impression the application had been submitted and approved to move our point of diversion but recently found it was not the case. We would like to formally request to have approved the following on a permanent basis:

- Inject all water rights associated with the property from Kelly Creek into the south fork of the Snake River located at S04N T41E R32.
- Establish as a point of re-diversion for this water right at the existing pump located directly south of the injection point in S03N T41E R5.

12/3/2013

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	REX MAUGHAN PO BOX 29041 PHOENIX, AZ 85038 (602)968-3999

Status: Active

Tributary
SNAKE RIVER

Sec. 32, Twp 04N, Rge 41E, JEFFERSON County

[illegible]

STOCKWATER Same as IRRIGATION

1.	N08	The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
2.	N05	The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
3.	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.

1. ecarlson 11/1/2004 SF5, version 2
Claimant agreed to remove 0.2 acres that was described on BLM administered lands.
Shapefile was modified to account for the reduction in different 1/41/4s so the total acreage did not change.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/3/2013

2. kjackson 4/13/2005 cfs
Changing cfs to match courts recommendation.

Dates and Other Information

Decreed Date: 3/30/2005
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 01
Mitigation Plan: False

Combined Use Limits

N/A

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	11/1/2004	ecarlson	11/1/2004	ecarlson	Closed

Verification Log

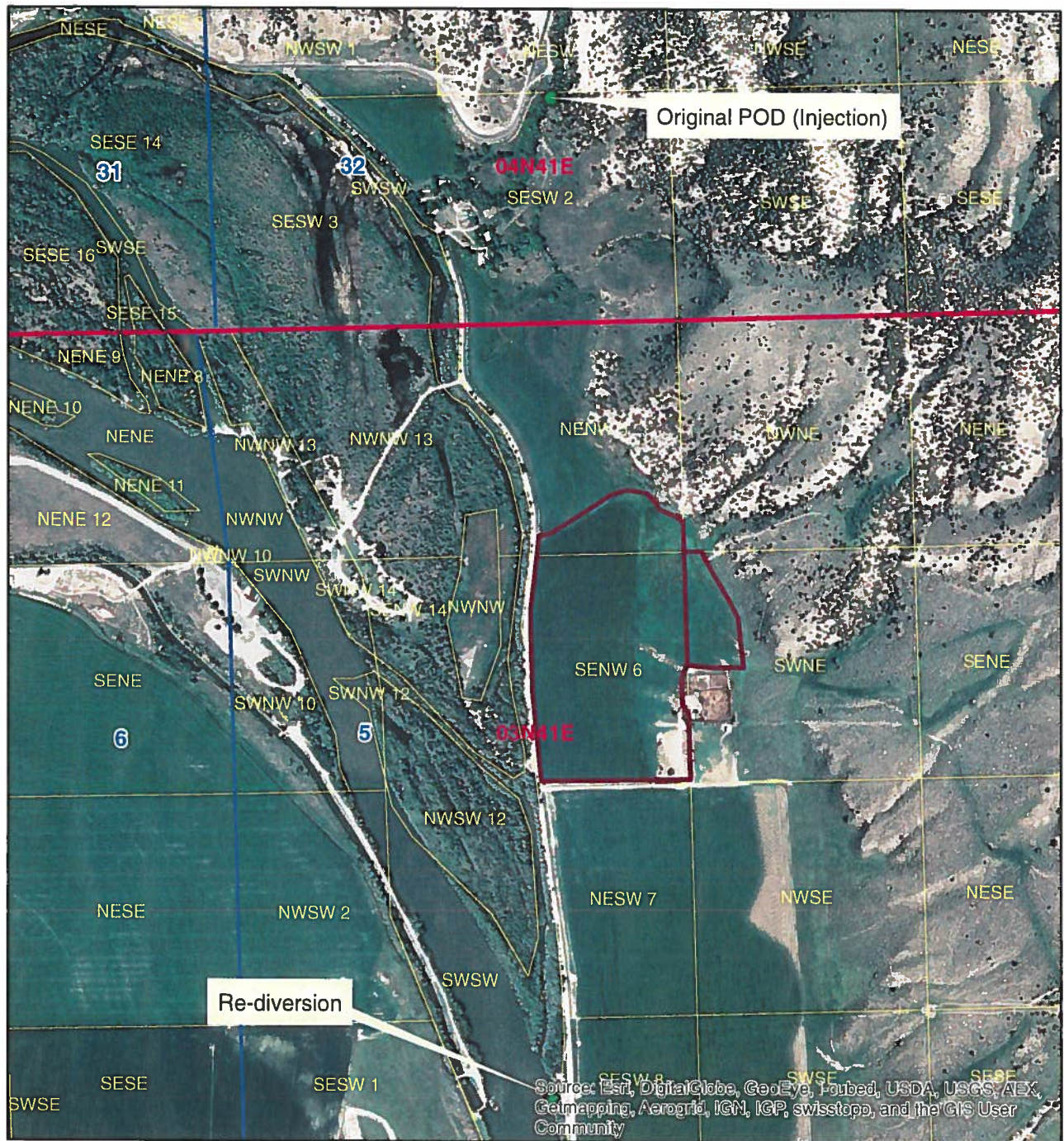
<u>Element</u>	<u>Date</u>	<u>User</u>	<u>Log Text</u>
POD	11/1/2004	ecarlson	Edited point location
POU	11/1/2004	ecarlson	Edited shape boundary
POU	11/1/2004	ecarlson	Edited PLS
Summary	11/1/2004	ecarlson	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

SubCase:

N/A

Water Supply Bank:

N/A



- 23-9B
- Township/Range
- Sections
- QQ

78939

0 0.075 0.15 0.3 Miles

