

RECEIVED
JUN 04 2013
DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78635

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/>.

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/water/rights/>.
- ☐ ☒ #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: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78635

JUN 04 2013

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) DARRELL JAMES BAKER Phone _____

Mailing address 533 E 240 LANE N RUPERT, ID 83350 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 Greg Sullivan of Brockway Engineering Phone 208-736-8543

Mailing address 2016 North Washington Street, Suite 4 Twin Falls Idaho 83301 Email greg.sullivan@brockwayeng.com

- ☐ 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.

Darrell James Baker
Signature of Applicant or Authorized Representative

5-31-13 Darrell James Baker
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. ☐ 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. Correctly identify the place of use of water rights 36-2453A and 36-13065A.**

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 ☐ ☒	36-2453A	2.99/1042.8	Irrigation	4/01 to 10/31	Ground Water
☐ ☒	36-13065A	0.66/	Irrigation	3/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.09 cfs and/or 1076 ac-ft

2. Total amount of water proposed to be transferred or changed 2.99 cubic feet per second and/or 1042.8 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 #

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	
07S	24E	2							31.4										31.4
		3	9.7	15.2	36.5	34.3									33.3	33.5	32.9	33.9	229.3

Total Acres (for irrigation use) 260.7

Total Acres (for irrigation use) 260.7

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

Current Water Right No.: 36-2453A

Current Owner: DARRELL JAMES BAKER
Priority Date: 11/17/1960
Origin: Water Right
Status: Water Supply Bank Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	3.09 CFS	
	<u>Total Diversion</u>	3.09 CFS	

Location of Point(s) of Diversion

GROUND WATER NW1/4NW1/4SE1/4 Sec. 3, Twp 07S, Rge 24E B.M.
MINIDOKA County

Place of Use

IRRIGATION Within MINIDOKA County

T07S R24E S2	Lot 4	NWNW	13.50	T07S R24E S2		SWNW	35.50
T07S R24E S3	Lot 1	NENE	7.00	T07S R24E S3	Lot 2	NWNE	14.50
T07S R24E S3		SWNE	35.50	T07S R24E S3		SENE	31.00
T07S R24E S3		NESE	33.00	T07S R24E S3		NWSE	33.00
T07S R24E S3		SWSE	33.00	T07S R24E S3		SESE	33.00

Total Acres: 269

Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 209.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. E55 USE OF THIS RIGHT WITH RIGHT NO. 36-13065A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 269 ACRES IN A SINGLE IRRIGATION SEASON.
3. F05 RIGHT NO. 36-13065A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
4. K01 RIGHT NO. 36-13065A IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
5. 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.
6. E60 USE OF THIS RIGHT WITH RIGHT NO. 36-13065A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.09 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1076 AF.

Decreed Date: 12/13/2000

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

Current Water Right No.: 36-13065A

Current Owner: DARRELL JAMES BAKER

Priority Date: 3/15/1981

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

3/15 to 11/15

0.68 CFS

Total Diversion

0.68 CFS

Location of Point(s) of Diversion

GROUND WATER

NW1/4NW1/4SE1/4

Sec. 3, Twp 07S, Rge 24E B.M.

MINIDOKA County

Place of Use

IRRIGATION Within MINIDOKA County

T07S R24E S2	Lot 4	NWNW	13.50	T07S R24E S2		SWNW	35.50
T07S R24E S3	Lot 1	NENE	7.00	T07S R24E S3	Lot 2	NWNE	14.50
T07S R24E S3		SWNE	35.50	T07S R24E S3		SENE	31.00
T07S R24E S3		NESE	33.00	T07S R24E S3		NWSE	33.00
T07S R24E S3		SWSE	33.00	T07S R24E S3		SESE	33.00

Total Acres: 269

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.
2. E55 USE OF THIS RIGHT WITH RIGHT NO. 36-02453A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 269 ACRES IN A SINGLE IRRIGATION SEASON.
3. E60 USE OF THIS RIGHT WITH RIGHT NO. 36-02453A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.09 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1076 AF.
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 59.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. K02 THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 36-02453A PURSUANT TO SECTION 42-1426, IDAHO CODE.
6. F05 RIGHT NO. 36-02453A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Decreed Date: 8/8/2001

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: Existing wells, mainlines and irrigation systems

- b. Who owns the property at the point(s) of diversion? DARRELL JAMES BAKER

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: None

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: No Change

- 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

- 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: A 8.3 portion of 36-2453A and 36-13065A us currently leased to the Water Supply Bank. The 8.3 acres will be released from the Water Supply Bank when the Water Supply Bank processes the withdrawal paper work.

Transfer contains 10 pages and 1 attachments.
Received by _____ Date 6-4-2013 Prelim. Check by _____ Date _____
Fee Paid \$ 200- Date 6-6-13 Received by H Receipt # \$033307
Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____



0 237.5 475 950 Feet

**JENTCH-KEARL FARMS- DAN'S FARM
WATER RIGHT TRANSFER 2013
NAIP 2011 AERIAL PHOTOGRAPH**

Legend

- Point of Diversion
- Proposed POU 260.7
- twshp
- Sections
- lades



BROCKWAY ENGINEERING, PLLC.
ALR - JUNE 3, 2013

TRANSFER 78635



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 6, 2013

CINDY YENTER
WATER DISTRICT #130
1341 FILLMORE ST, STE 200
TWIN FALLS, ID 83301

Hand Delivered

RE: Transfer No. 78635
Water Right No(s): 36-2453A, 36-13065A

Dear Ms. Yenter:

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)

MEMORANDUM

Date: August 30, 2013
To: Transfer 78635 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application proposes correcting the place of use for two ground water rights (2.99 cfs total) that when combined will be limited to the irrigation of 260.7 acres. Proposed POU is located approximately 1.9 – 2.6 miles east and 15.1 – 16 miles north of the center of Rupert.

This application for transfer was filed to partially resolve a BLM protest of transfer 78405, by moving water rights 36-2453A & 36-13065A from grounds formerly leased from the BLM on Govt. Lot 4 (NWNW1/4) of Twp 07S, Rng 24E, Sec. 2. It also corrects the POU to match current irrigation uses for these water rights.

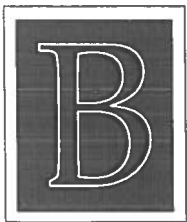
Overlap review indicates that rights 36-2453A & 36-13065A are the only irrigation water rights appurtenant to the lands involved in this transfer application.

Place of use is within the ESPA, but no groundwater analysis is required as there will be no hydrologic change resulting from this transfer. Place of use is also in Water District 130 and Watermaster comments will be solicited.

Since the application only modifies the place of use to include adjacent lands, and since there is no hydrologic change, the transfer was processed, and can be approved without advertising.

- **Authority to File:** Applicant is listed as the current owner of water rights 36-2453A & 36-13065A in IDWR's database.
- **Water Right Validity:** Water right 37-2453A was decreed in the SRBA on 12/13/2000 and water right 36-13065A was decreed on 8/8/2001. Recent aerial and satellite imagery indicates the properties involved in this transfer appear irrigated.
- **Injury to Other Water Rights:**
None anticipated.
- **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 on Agricultural Base of the Local Economy:**
None Anticipated.

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



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

June 3, 2013

Allan Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Transfer of 36-2453A and 36-13065A

Dear Mr. Merritt:

It is proposed to correct the place of use of water rights 36-2453A and 36-13065A. The proposed place of use will exclude the parcel of land located in the NWNW of Section 2 of Township 7 South Range 24 East. This parcel of land located in the NWNW is owned by the BLM.

The ownership, period of use, beneficial use and point of diversion of water right 36-2453A and 36-13065A will remain unchanged by this transfer.

Water rights 36-2453A and 36-13065A are currently involved in Transfer 78405 and a portion of these water rights are leased to the Idaho Water Supply Bank. A request to release 36-2453A and 36-13065A from the Water Supply Bank has been submitted.

Due to the only the place of use being proposed to be changed, a reduced fee of \$200.00 is being submitted to IDWR at this time.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S.

Cc: Jim Baker

Enc: Aerial Map, Brockway Engineering Check #11459 for \$200.00

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

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