

RECEIVED

RECEIVED

JAN 3 2013

DEC 28 2012

DEPT. OF WATER RESOURCES

STATE OF IDAHO

Transfer No.

78424

SOUTHERN REGION

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/>.

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. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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). Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #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: _____

RECEIVED

DEC 28 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECEIVED

JAN 23 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER NO.

78424

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) JOHN F. STEVENSONPhone 208-788-4826Mailing address 36 HILLSIDE RANCH ROAD, BELLEVUE, IDAHO 83313

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 ALBERT P. BARKERPhone 208-336-0700Mailing address P.O. BOX 2139, BOISE, IDAHO 83701-2139Email apb@idahowaters.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.


Signature of Applicant or Authorized Representative

John F. Stevenson
Print Name and Title if applicable

12/8/12
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☐ Change nature of use ☐ Change period of use ☒ Other CREATE PPOU
- 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 create a 397-acre Permissible Place of Use (PPU) in which to irrigate not more than 372 acres per irrigation season, using water rights 37-2649A and 37-2649B.

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 ☒ ☐	37-2649A	4.24 cfs	Irrigation	4/1 to 11/1	Groundwater
☒ ☐	37-2649B	3.20 cfs	Irrigation	4/1 to 11/1	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 7.44 cfs cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 0.50 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 #

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	
1S	19E	20		20	40	40									40	40		32	212
1S	19E	21							40			40	40	40					160
1S	19E	28					25												25

Total Acres (for irrigation use) 397

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: _____

Both water rights 37-2649A and 37-2649B are diverted from a well located at 1S, 19E, Sec. 20, NWNWNE; water under 37-2649B is then injected into Patton Creek and rediverted from Patton Creek to the place of use.

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

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:

No change. Applicant is creating a permissible place of use, for which a plan will be submitted to IDWR as required identifying place of use within that PPU.

- 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:

- 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: _____

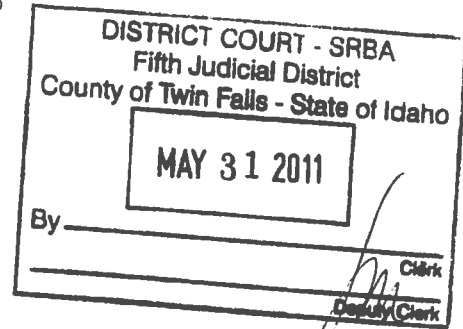
Total Acres (for irrigation use) _____

Received by DM Date 12-28-2012 Prelim. Check by _____ Date _____
 Fee Paid \$200- Date 12-28-2012 Received by DM Receipt # 5032963
 Add'l Fee Paid \$480- Date 2-12-2013 Received by Bm Receipt # 5033047

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-02649A



NAME AND ADDRESS: JOHN F STEVENSON
36 HILLSIDE RANCH RD
BELLEVUE, ID 83313

SOURCE: GROUND WATER

QUANTITY: 4.24 CFS
742.00 AFY

Rights 37-7644, 37-2649A, 37-2649B and 37-7014 when combined
shall not exceed a total diversion rate of 7.44 cfs.

PRIORITY DATE: 01/27/1961

POINT OF DIVERSION: T01S R19E S20 NWNWNE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	4.24 CFS 742.00 AFY

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R19E S20	NWNE 20.0 SENE 40.0 NWSE 40.0
		SWNE 40.0 NESE 40.0 SESE 32.0
	212.0 Acres Total	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

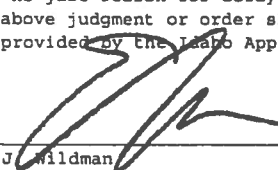
The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

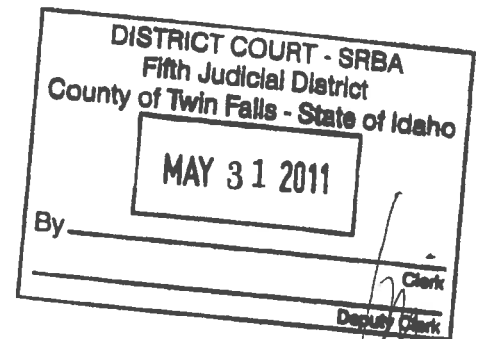
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 37-02649B

NAME AND ADDRESS: JOHN F STEVENSON
36 HILLSIDE RANCH RD
BELLEVUE, ID 83313

SOURCE: GROUND WATER

QUANTITY: 3.20 CFS
560.00 AFY



Rights 37-7644, 37-2649A, 37-2649B and 37-7014 when combined shall not exceed a total diversion rate of 7.44 cfs. Water diverted under this right is injected into Patton Creek then rediverted from Patton Creek to the place of use. The amount of water rediverted from Patton Creek under this right shall not exceed 98% of the amount of water injected into Patton Creek. The portion of Right 37-2649B used for conveyance losses is 2%.

PRIORITY DATE: 01/27/1961

POINT OF DIVERSION: T01S R19E S20 NWNWNE Within Blaine County
S21 NWNWNE (Injection)
SESWSW (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	3.20 CFS 560.00 AFY

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R19E S21	SWNW 15.0 NWSW 40.0
	S28	SWSW 40.0 SESW 40.0
	160.0 Acres Total	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

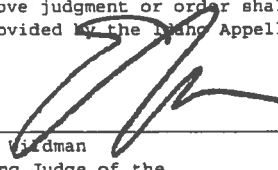
The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

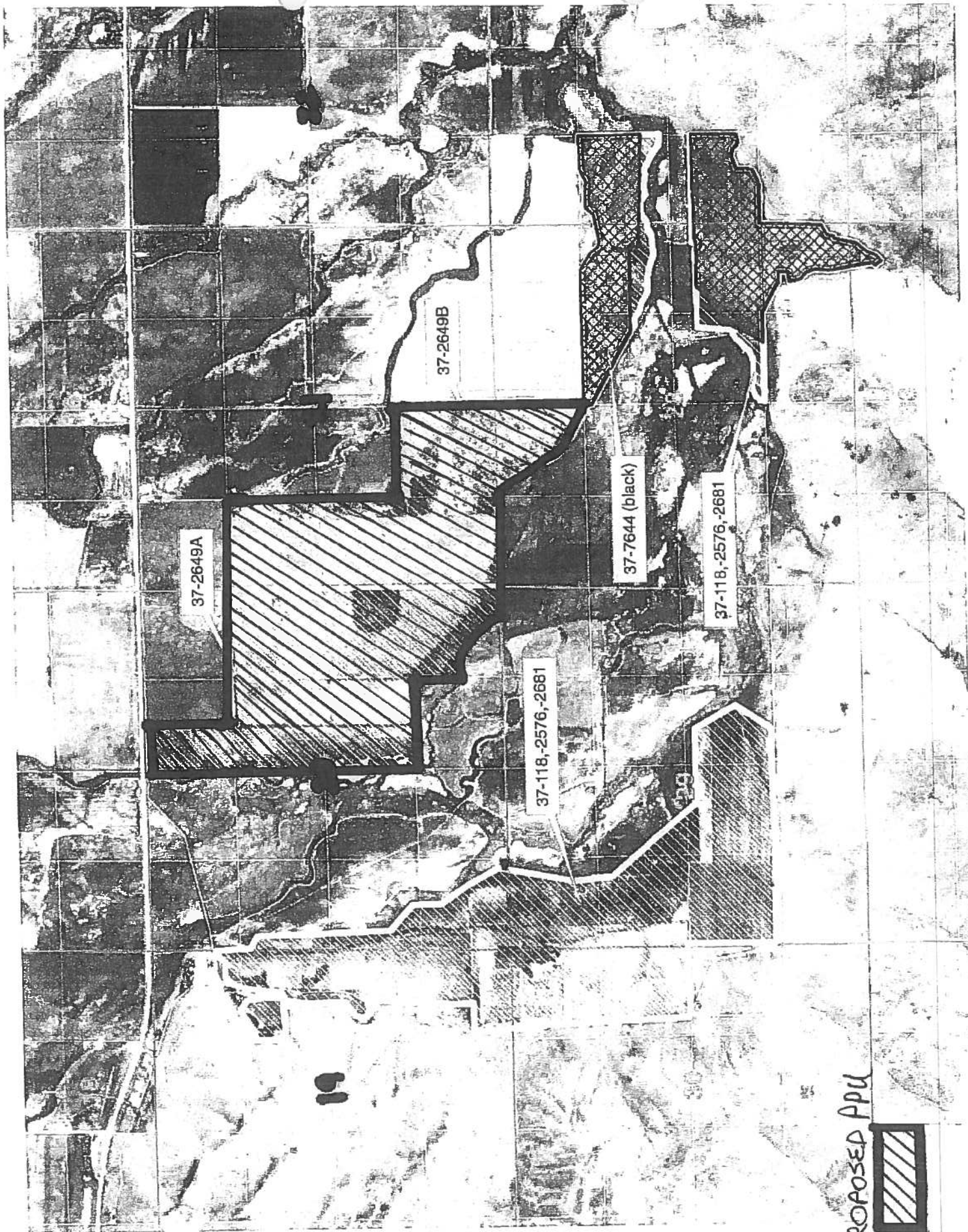
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication



TRANSFER 78424

PROPOSED APN



STEVENSON PLACE OF USE UNDER PPU – 2013 SEASON:
Water Rights 37-2649A and 37-2649B

T.1S, 19E, SEC. 20:

NWNE	20
SWNE	40
SENE	40
NESE	40
NWSE	40
SESE	7

SECTION ACRES: 187

T.1S, 19E, SEC.21:

SWNW	40
NWSW	40
SWSW	40
SESW	40

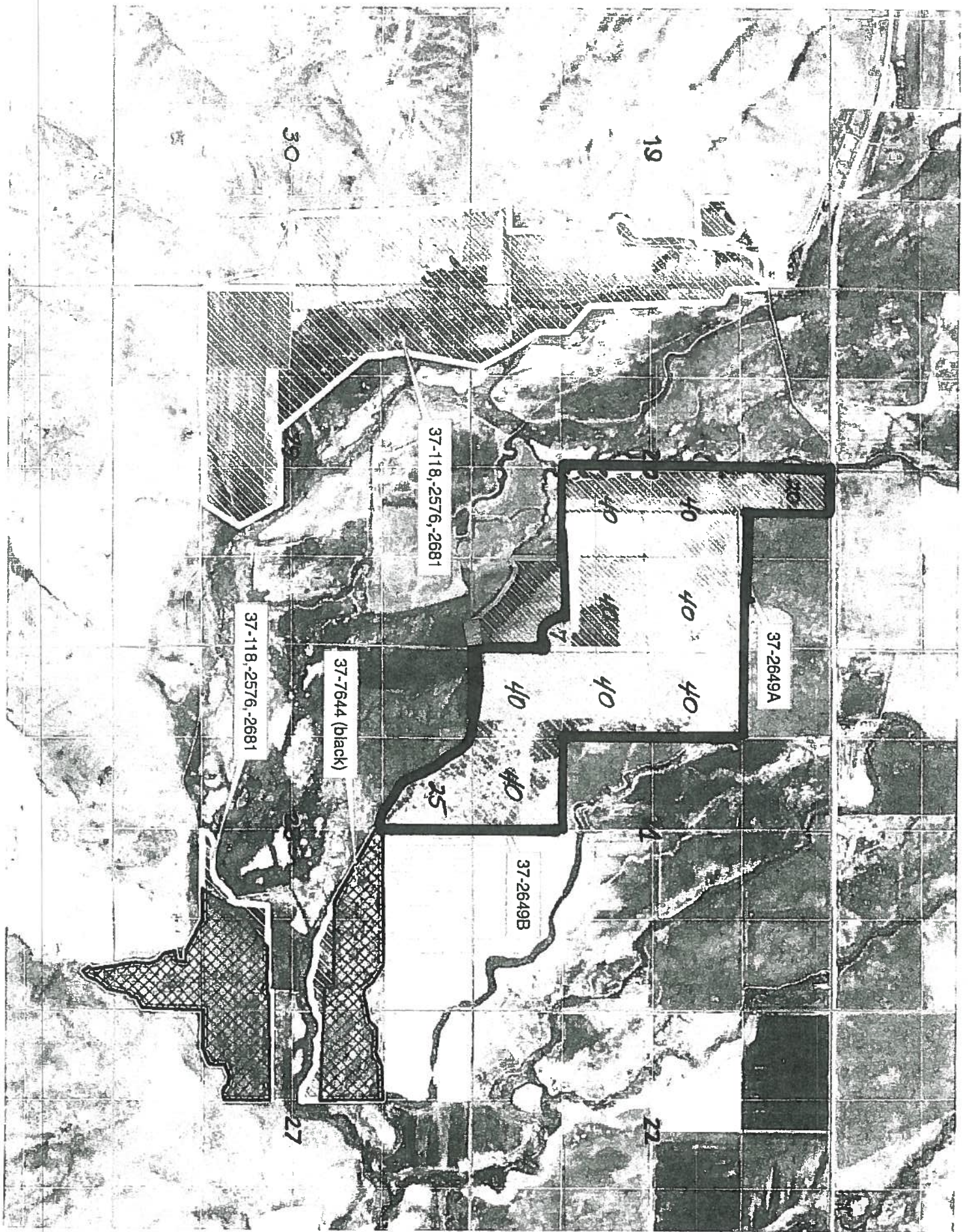
SECTION ACRES: 160

T.1S, 19E, SEC. 28:

NENW	25
------	----

SECTION ACRES: 25

TOTAL IRRIGATED ACRES: 372



"206"

TRANSFER 78424

JAN 23 2013

GRANT DEED

DEPT. OF WATER RESOURCES
SOUTHERN REGION

FOR A VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, REPUBLIC NATIONAL LIFE INSURANCE COMPANY, a corporation duly organized and existing under the laws of the State of Texas, Grantor, does hereby grant to JOHN FELL STEVENSON, a married man but dealing with his sole and separate Bellevue, Idaho funds and estate, all that real property situated in the County of Blaine, State of Idaho, described as follows:

Township 1 South of Range 19, East of Boise Meridian, Blaine County, State of Idaho.

Section 20: S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; EXCEPTING that portion of the W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ conveyed to State of Idaho for highway right-of-way described in Warranty Deed recorded April 23, 1969, under Recorder's Instrument No. 132383, records of Blaine County, Idaho.

Section 21: S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and Secretary.

DATED this 26th day of April, 1976.

REPUBLIC NATIONAL LIFE INSURANCE
COMPANY

By Robert C. Michmore, Vice-President

Attest

Robert C. Michmore, Assistant Secretary

STATE OF IDAHO,
COUNTY OF BLAINE,
I HEREBY CERTIFY THAT THE FORE-
MENTIONED WAS FILED FOR RECORD IN THE
COUNTY OF BLAINE, IDAHO, ON
AT April 4, 1976
RECORDED IN BOOK 16751

Sharon Strickland
Marie Sime
Hazel Barber

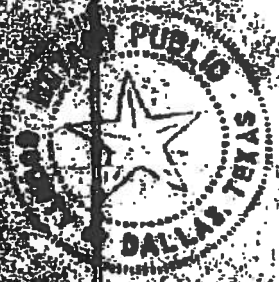
TRANSFER 78424

CORPORATE ACKNOWLEDGEMENT

STATE OF TEXAS)
) ss.
County of DALLAS)

On this 26th day of April, 1976 before me,
a Notary Public in and for said State, personally appeared
ROBERT C. MUCHMORE, Vice President, and S. A. WELLS, Assistant
Secretary, known to me to be the persons who executed the instrument
on behalf of the Corporation that executed the instrument and
acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my official seal the day and year in this
certificate first above written.



Josie M. Lee
NOTARY PUBLIC, Josie N. Lee

Residing at Garland, Texas

Commission expires June 1, 1977

GRANT DEED

FOR A VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, REPUBLIC NATIONAL LIFE INSURANCE COMPANY, a corporation duly organized and existing under the laws of the State of Texas, Grantor, does hereby grant to JOHN FELL STEVENSON, a married man but dealing with his sole and separate Bellevue, Idaho funds and estate, all that real property situated in the County of Blaine, State of Idaho, described as follows:

Township 1 South of Range 19, East of Boise Meridian, Blaine County, State of Idaho.

Section 20: S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; EXCEPTING that portion of the W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ conveyed to State of Idaho for highway right-of-way described in Warranty Deed recorded April 23, 1969, under Recorder's Instrument No. 132383, records of Blaine County, Idaho.

Section 21: S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and Secretary.

DATED this 26th day of April , 1976.

REPUBLIC NATIONAL LIFE INSURANCE COMPANY

By Robert C. Michmore, Vice President

Attest W. L. Smith, Assistant Secretary

STATE OF IDAHO.
COUNTY OF BLAINE.
I HEREBY CERTIFY THAT THE INSTRUMENT WAS FILED FOR RECORD AT THE CLERK'S OFFICE AT THE CITY OF BLAINE, IDAHO, ON
AT Aug 4 1976
RECORDED IN BOOK

Marie Smith
Hazel Barker

TRANSFER 78424

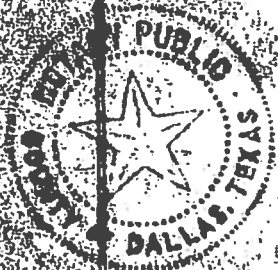
167-51

CORPORATE ACKNOWLEDGEMENT

STATE OF TEXAS)
) ss.
County of DALLAS)

On this 26th day of April, 1976 before me,
a Notary Public in and for said State, personally appeared
ROBERT C. MUCHMORE, Vice President, and S. A. WELLS, Assistant
Secretary, known to me to be the persons who executed the instrument
on behalf of the Corporation that executed the instrument and
acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my official seal the day and year in this
certificate first above written.



Josie M. Lee
NOTARY PUBLIC, Josie M. Lee

Residing at Garland, Texas

Commission expires June 1, 1977

Maline, Denise

From: Maline, Denise
Sent: Tuesday, March 05, 2013 4:11 PM
To: 'Kevin Lakey'
Subject: Comment Letter for Transfer 78424
Attachments: Comment letter to WM37-M.pdf; Transfer app 78424.pdf

Mr. Lakey,

Attached is a cover letter & recommendation form; along with a copy of an Application for Transfer currently being processed by the department. Please review the attached information and provide any necessary comments, within the next 21 days.

Please feel free to contact our office if you have an questions regarding this information.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



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

March 5, 2013

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

Via E-mail

RE: Transfer No. 78424
Water Right No(s): 37-2649A, 37-2649B

Dear Mr. Lakey:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form 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: March 4, 2013.
To: Transfer 78424 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application proposes creating a 397 acre Permissive Place of Use (PPU) for two ground water rights. Water right 37-2649A is a 4.24 cfs ground water right applied to 212.0 acres and water right 37-2649B is a 3.2 cfs ground water right applied to 160.0 acres. The PPU combines the acreage for both rights and adds an additional 25 acres in the SWNW of Twp 01S, Rge 19E, Sec 21, B.M.

Overlap review indicates there are no other water rights appurtenant to the place of use for these rights. However, there were conditions placed on the Recommendations (065 & 104) and retained on the Partial Decrees that indicate the rights are supplemental to surface water rights, although there are no surface water rights appurtenant to the same place of use. I spoke with Southern Region's Supervisor of Adjudication and he indicated he would like me to retain the conditions on these rights as there are two other water rights diverted from the same well (37-7014 and 37-7644) that are supplemental to surface water rights.

A map and land list were provided that indicate which acres will be irrigated in the 2013 irrigation season and the water rights have been linked to an electronic shapefile in the transfer layer representative of the map and land list.

Water Right 37-2649B is injected into and rediverted from surface waters in Water District 37M, therefore Watermaster comments were 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 37-2649A and 37-2649B. A deed was provided indicating the applicants ownership of the acres added to the PPU.
- **Water Right Validity:** Water rights 37-2649A and 37-2649B were decreed in the SRBA on 5/31/2011. Recent aerial and satellite imagery indicate the property involved with this transfer appears 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

ALBERT P. BARKER
JOHN A. ROSHOLT
JOHN K. SIMPSON
TRAVIS L. THOMPSON
SHELLEY M. DAVIS
PAUL L. ARRINGTON
SCOTT A. MAGNUSON
SARAH W. HIGER



1010 W. Jefferson, Suite 102
Post Office Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

195 River Vista Place, Suite 204
Twin Falls, ID 83301-3029
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

Albert P. Barker
apb@idahowaters.com

February 11, 2013

RECEIVED

FEB 12 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Bill Mills
Water Resource Agent, Sr.
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Application for Transfer of Water Right - Stevenson

Dear Mr. Mills:

Enclosed is an additional check in the amount of \$480.00 for the Application for Transfer of Water Rights 37-2649A and 37-2549B.

If you have any other questions, please call me, or Sharon Strickland at (208) 934-4147.

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP



Albert P. Barker

APB/se
Enclosure

cc: John Stevenson
Sharon Strickland (via email)

Mills, William

From: Sharon Strickland [strickland@idahowaters.com]
Sent: Monday, February 11, 2013 8:22 AM
To: Mills, William
Subject: STEVENSON TRANSFER

Hi Bill – We finally had a chance to talk to client. A check for the remaining \$480 filing fee will be coming to you this week. Please proceed with the current PPU transfer upon receipt.
Thanks, as always, for your help.

Sharon Strickland, CLA
BARKER ROSHOLT & SIMPSON LLP
strickland@idahowaters.com
Phone & fax: 208-934-4147

Mills, William

From: Sharon Strickland [strickland@idahowaters.com]
Sent: Friday, February 01, 2013 2:49 PM
To: Mills, William
Subject: RE: STEVENSON TRANSFER

Thanks, Bill. I'll get back to you as soon as I have a chance to discuss this with Al Barker next week.

From: Mills, William [mailto:William.Mills@idwr.idaho.gov]
Sent: Friday, February 01, 2013 2:15 PM
To: Sharon Strickland
Subject: RE: STEVENSON TRANSFER

Sharon,

I understand your logic and why you're questioning the fee schedule. However, based on how the application was submitted the fee amount is correct. While it appears to be only an overall increase of 25 acres, the fee is based on the potential to move each right to completely new acres within the PPU. Analyzing this application proportionally did result in a reduction of \$80.00 in the fee amount.

Another alternative is to withdraw this transfer and submit an application for transfer for water right 37-2649B seeking to create a 185 acre PPU (adding 25 acres to 37-2649B), which would result in a 16% increase in the PPU and the fee would be \$500.00 dollars based on the potential to move 16% (0.5 cfs) of the water right to new acres.

Thanks,
Bill Mills

From: Sharon Strickland [mailto:strickland@idahowaters.com]
Sent: Friday, February 01, 2013 10:09 AM
To: Mills, William
Subject: STEVENSON TRANSFER

Hi Bill –

Do you understand that this is all the same acreage? The only way John can move 185 acres of one right is to take 185 acres off the other parcel. As a matter of theory, you are right, but in practice what you are saying might happen, could not, because both parcels are completely covered with water. We are only adding 25 acres to the combined total of land subject to being irrigated.

A unique situation, to say the least, but just wanted to clarify why we are questioning the fee for only a 25-ac increase. If the fee is non-negotiable, we will pay the \$480 rather than have the transfer pulled. Please let me know.

Thanks for your help.

Sharon Strickland, CLA
BARKER, ROSHOLT & SIMPSON, LLP
strickland@idahowaters.com
Phone & Fax 208-934-4147

Mills, William

From: Sharon Strickland [strickland@idahowaters.com]
Sent: Monday, January 28, 2013 9:06 AM
To: Mills, William
Subject: RE: Transfer Fees for Stevenson Transfer

Thanks, Bill! My understanding was correct, but it helps to have it spelled out for the client.

From: Mills, William [mailto:William.Mills@idwr.idaho.gov]
Sent: Monday, January 28, 2013 8:57 AM
To: Sharon Strickland
Subject: Transfer Fees for Stevenson Transfer

Sharon,

The following should help explain the logic:

According to the proposal on Part 1A Line 2 of the transfer application, the applicant proposes to "create a 397-acre Permissible Place of Use (PPU) in which to irrigate not more than 372 acres per irrigation season, using water rights 37-2649A and 37-2649B." Each water right has a separate Place of Use (POU) and by creating a Permissible Place of Use for both water rights, the fee is based upon the proportion of each water right that could be moved to entirely new acres within the PPU. Water right 37-2649A's POU increases from 212 acres to 397 acres in the PPU, which is an increase of 185 acres. If this water right was moved to completely new acres in the PPU, only 87% of this water right could be moved, therefore the fee is based on the potential to move 87% of the water rights 4.24 cfs, which is 3.7 cfs. Water right 37-2649B POU increases from 160 acres to 397, which is an increase of 237 acres, and therefore 100% of this right's 3.2 cfs could be moved to completely new acres. Combine 3.2 cfs and 3.7 cfs for a total of 6.9 cfs, and the result based on the Departments fee schedule is a fee of \$980.00 (\$500.00 of which has been receipted by the Department).

I hope that helps, feel free to call me with any questions,

Sincerely,

Bill Mills

ALBERT P. BARKER
JOHN A. ROSHOLT
JOHN K. SIMPSON
TRAVIS L. THOMPSON
SHELLEY M. DAVIS
PAUL L. ARRINGTON
SCOTT A. MAGNUSON
SARAH W. HIGER



Albert P. Barker
apb@idahowaters.com

January 22, 2013

1010 W. Jefferson, Suite 102
Post Office Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

195 River Vista Place, Suite 204
Twin Falls, ID 83301-3029
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

RECEIVED

JAN 23 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Bill Mills
Water Resource Agent, Sr.
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Application for Transfer of Water Right - Stevenson

Dear Mr. Mills:

Thank you for your letter of December 31, 2012 concerning the Application for Transfer we submitted on behalf of Mr. Stevenson to change the place of use to create a larger permissible place of use. As I tried to explain in my cover letter of December 27, 2012, this transfer does not expand or enlarge use of the water right. The original place of use will increase by only 25 acres. However, Mr. Stevenson will continue to irrigate a total of 372 acres as currently permitted by Water Rights 37-02649A and 37-02649B.

Your letter says that our letter enclosed an insufficient check to process the application, and stated that a processing fee for the full 7.44 cfs transfer would be required in the amount of \$1,060. Under Transfer Processing Memorandum #23 issued by the Department on January 2, 2001, the transfer fee is based upon the proportionate quantity of water that is being changed when only a part of the place of use is changed. The Department's Transfer Memorandum #23 gives an example of changing a 40 acre tract of a 1,000 acre place of use where the remaining 960 acres will be unchanged. Here, the transfer application proposes only to change 25 acres. The remaining acres in the place of use will remain unchanged.

Water rights 37-02649A and 37-02649B total 7.44 cfs or 372 miners inches. The water can be used on a total of 372 acres. The duty of water under this right is an inch per acre. Accordingly, the amount of water being transferred under this proposed transfer is 25 miners inches, or 0.5 cfs. The entire 7.44 cfs is not being transferred to the new 25 acres. In a previous transfer Mr. Stevenson had approved by the Department in 2012, only the portion of the water right being transferred was subject to the transfer fee. This Application is explicit that only 0.5 cfs is proposed to be transferred or changed. Application Part 1(b)(2).

Based upon that review, you are correct that we did not submit the proper fee. The fee should be \$500 for amounts between .21 and 1.0 cfs, under the existing transfer fee schedule. Accordingly, attached is an additional check for \$300.

Your letter also indicates that there is no indication as to whether or not the new place of use includes land owned by the transfer Applicant or not. The back files for these two rights, 37-02649A and 37-02649B, contain a grant deed dated April 26, 1976 to John Stevenson. A copy of that grant deed taken from the Department's back files is attached hereto. It shows that Mr. Stevenson owns the 40 acres where the additional 25 acres of the PPOU will be located in addition to the rest of the place of use. Also, the appropriate checkmarks have been placed on the Application as requested in your letter. As my previous letter indicates and as the checkmarks on the application now confirm, please communicate with this firm about this application.

If you have any other questions, please call me, or Sharon Strickland at (208) 934-4147, and hopefully we can expedite responses to any additional questions you might have.

Thank you.

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP



Albert P. Barker

APB/se
Enclosures

cc: John Stevenson
Sharon Strickland (via email)

ALBERT P. BARKER
JOHN A. ROSHOLT
JOHN K. SIMPSON
TRAVIS L. THOMPSON
SHELLEY M. DAVIS
PAUL L. ARRINGTON
SCOTT A. MAGNUSON
SARAH W. HIGER



1010 W. Jefferson, Suite 102
Post Office Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

195 River Vista Place, Suite 204
Twin Falls, ID 83301-3029
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

Albert P. Barker
apb@idahowaters.com

December 27, 2012

Idaho Department of Water Resources
Attn: Nathan Erickson
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECEIVED

DEC 28 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: Application for Transfer of Water Right

RECEIVED

JAN 23 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Dear Mr. Erickson:

I am enclosing the Application for Transfer of Water Right on behalf of John F. Stevenson, which Sharon Strickland has discussed with you. This water right transfer application merely seeks to create a 397 acre permissible place of use for two existing rights: 37-02649A and 37-02649B. Currently, these two rights are irrigated from the same well and occupy adjacent parcels of land, one with a POU of 212 acres, the other with a POU of 160 acres, for a total of 372 acres. The purpose of this transfer is to add 25 acres of land owned by Stevenson which is not in either POU to a permissible place of use for these rights. The Applicant understands that approval of a permissible place of use will not expand the total number of acres being irrigated. When the application for transfer is approved, Applicant will submit an irrigation plan demonstrating that a total of 372 acres will be irrigated within the 397 acre permissible place of use.

The transfer will not require a change in the point of diversion or a change in the total diversion rate. It is simply proposed to give the Applicant more flexibility in how his land is irrigated.

If you have any questions, please contact me, or Sharon Strickland at 208-934-4147.

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP

Albert P. Barker

APB/se

Enclosure

cc: Sharon Strickland (via email)
John Stevenson



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

December 31, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Barker Rosholt & Simpson LLP
Attn: Albert P. Barker
1010 W. Jefferson, Suite 102
PO Box 2139
Boise, ID 83701-2139

RE: Application for Transfer

Dear Mr. Barker:

The Department of Water resources recently received a transfer application that you filed in the name of John F. Stevenson. Preliminary review of the application indicates that it is incomplete and cannot be processed as received. I am returning the application to you to allow you to complete the necessary items. The required items are described below.

Insufficient application fee was provided with the application. The Department received and receipted check number 22588, in the name of Barker Rosholt & Simpson for the amount of \$200.00 on 12/28/2012. A review of the application indicates the appropriate filing fee for a 7.44 cfs transfer application would actually be \$1060.00. An additional fee of \$860.00 is required to process the application.

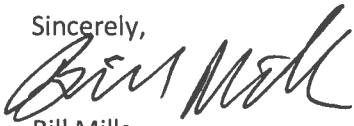
For applications that propose changing the place of use of a water right, the applicant not only needs to show that they own the right involved with the transfer &/or the land to which it is appurtenant, but they must also show that they own the land where they are proposing to move the water right to. If the land is owned by a party other than the applicant, then the applicant must have some sort of documentation from the current owner of the land allowing the applicant to move the water right(s) to their land. In addition, documentation must be included that addresses the ownership of the right(s) on the land. The documentation must clearly address the issue of whether the applicant will retain ownership of the right(s) on someone else's land, or whether the land owner will own the right(s) once the transfer is approved. While the included copies of the partial decrees indicate the applicant owns the water rights associated with the application, there is no documentation included with the application showing ownership of the proposed permissible place of use.

Additionally, Part 1 of the application is incomplete as none of the appropriate boxes for the following items were checked: water right ownership documentation; where to send correspondence; and Part 1A Section 1, purpose of transfer.

As indicated previously, I am returning the transfer application. If the application is not resubmitted within 30 days of the letter, the application filing fee (\$200.00 paid via check #22588 in the name of Barker Rosholt & Simpson per IDWR receipt S032963) will be refunded.

If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Mills". The signature is fluid and cursive, with the first name "Bill" and last name "Mills" clearly distinguishable.

Bill Mills,
Water Resource Agent, Sr.

Enclosure

Cc: John F. Stevenson (w/o Enclosure)