

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

78402

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 <u>always required</u> and must be included with the application. |
| ☒ | | * Completed Application for Transfer of Water Right form, Part I. |
| ☐ | | * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part I. 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 <u>for each water right</u> for which <u>only a portion</u> 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. (<u>Fee schedule</u> 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 <u>not</u> 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 I.) |
| ☐ | ☒ | #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 I.) |
| ☐ | ☒ | #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 24 2012**Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**Name of Applicant(s) Delmore Canal Company c/o Lyle Steed

Phone _____

Mailing address 22961 West 8500 South, Stone, ID 83252

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.

Signature of Applicant or Authorized Representative

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 Update POD, period of use and beneficial uses
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**. Transfer proposes to update the service boundary for the Delmore Canal Company to cover land currently irrigated with company shares. Original license did not list irrigation storage or irrigation from storage as a nature of use, a period of use or point of diversion. These elements will be updated as part of the transfer.

78402

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					
☒ ☐	17-2000	34.40 cfs	Domestic/Stockwater	1/1 to 12/31	Deep Creek
☐ ☐			Irrigation	4/1 to 10/31	Deep Creek
☐ ☐			Irrigation Storage	1/1 to 12/31	Deep Creek
☐ ☐			Irrigation from Storage	4/1 to 10/31	Deep Creek
☒ ☐	17-2068	15.45 / 6,547	Irrigation	4/1 to 11/1	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 49.85 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 49.85 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 #
N			SE	NE	33	15S	32E	Oneida	Ground Water	
N			NE	SW	33	15S	32E	Oneida	Ground Water	
N			NE	NE	34	15S	32E	Oneida	Ground Water	
N			SE	NW	13	15S	32E	Oneida	Deep Creek	Delmore Canal
N			SW	SW	35	15S	32E	Oneida	Deep Creek	Curlew Valley Res.

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.) *See attached map of service boundary.*

☐ 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	

Irrigation from Storage same as Irrigation

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:

Water is diverted from Deep Creek and conveyed through the Delmore Canal. Ground water wells open discharge into the canal. Ground water is co-mingled with Deep Creek water. Reservoir storage is filled throughout the year, then provided to Curlew Irrigation Co. in exchange for Delmore Canal's diversion of Deep Creek water.

- b. Who owns the property at the point(s) of diversion? Delmore Canal Co.

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

- 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:

Transfer only changes service boundary. No new acres will be irrigated. Water right 17-2000 is for 2,996.82 acres. Water right 17-2068 is for 3,421 acres. Substantial overlap of irrigated acres between the two rights.

- 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:

There are a number of private ground water rights which are used within the Delmore Canal Company service boundary.

- 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

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.:

[illegible]

Transfer contains 10 pages and 3 attachments.
Received by JCEPALO Date 12/24/2012 Prelim. Check by M HOLLIDAY Date 1/29/2013
Fee Paid \$ 660 Date 12/27/2012 Received by _____ Receipt # En38280
Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

FEB 15 2013

78402

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 17-2068

WATER RIGHT NUMBER: 17-2068

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DELMORE CANAL CO LTD C/O RUSS BOYER 10101 S 21000 W STONE, ID 83252 (208)698-3354

Priority Date: 05/04/1967

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
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GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	15.450 CFS	6,547.00 AF
	<u>Total Diversion:</u>	15.450 CFS	6,547.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4	Sec. 33, Twp 15S, Rge 32E, B.M.
ONEIDA County		
GROUND WATER	NE1/4SW1/4	Sec. 33, Twp 15S, Rge 32E, B.M.
ONEIDA County		
GROUND WATER	NE1/4NE1/4	Sec. 34, Twp 15S, Rge 32E, B.M.
ONEIDA County		

Place of UseIRRIGATION Within ONEIDA County

T15S R32E S32	SESE	10.0	T15S R32E S34	NESW	39.0
T15S R32E S34	NWSW	39.0	T15S R32E S34	SWSW	39.0
T15S R32E S34	SESW	39.0	T15S R32E S34	NESE	30.0
T15S R32E S34	NWSE	39.0	T15S R32E S34	SWSE	39.0
T15S R32E S34	SESE	31.0	T16S R32E S03	NENE	33.0
T16S R32E S03 Lot 3	NENW	34.0	T16S R32E S03 Lot 4	NWNW	34.0
T16S R32E S03	NESW	40.0	T16S R32E S03	NWSW	40.0
T16S R32E S03	SWSW	40.0	T16S R32E S03	SESW	40.0
T16S R32E S04 Lot 3	NENW	36.0	T16S R32E S04 Lot 4	NWNW	36.0
T16S R32E S04	NESW	20.0	T16S R32E S04	NWSW	20.0
T16S R32E S05 Lot 1	NENE	35.0	T16S R32E S05	NESE	20.0
T16S R32E S08	SWSE	17.0	T16S R32E S08	SESE	40.0

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 17-2068

T16S R32E S09	SENE	40.0	T16S R32E S09	SWSW	40.0
T16S R32E S10	NWNW	40.0	T16S R32E S10	SWNW	39.0
T16S R32E S10	NESW	40.0	T16S R32E S10	NWSW	40.0
T16S R32E S10	SWSW	40.0	T16S R32E S10	SESW	40.0
T16S R32E S15	NENW	27.0	T16S R32E S15	NWNW	35.0
T16S R32E S15	SWNW	20.0	T16S R32E S16	NENE	40.0
T16S R32E S16	NWNE	40.0	T16S R32E S16	SWNE	40.0
T16S R32E S16	SENE	40.0	T16S R32E S16	NENW	40.0
T16S R32E S16	NWNW	40.0	T16S R32E S16	SWNW	40.0
T16S R32E S16	SENE	40.0	T16S R32E S16	NESW	40.0
T16S R32E S16	NWSW	40.0	T16S R32E S16	SWSW	40.0
T16S R32E S16	SESW	40.0	T16S R32E S16	NESE	40.0
T16S R32E S16	NWSE	40.0	T16S R32E S16	SWSE	40.0
T16S R32E S16	SESE	40.0	T16S R32E S17	NENE	40.0
T16S R32E S17	NWNE	30.0	T16S R32E S17	SWNE	38.0
T16S R32E S17	SENE	40.0	T16S R32E S17	NENW	40.0
T16S R32E S17	NWNW	40.0	T16S R32E S17	SWNW	40.0
T16S R32E S17	SENE	40.0	T16S R32E S20	NENE	40.0
T16S R32E S20	NWNE	40.0	T16S R32E S20	SWNE	40.0
T16S R32E S20	SENE	40.0	T16S R32E S20	NENW	40.0
T16S R32E S20	NWNW	40.0	T16S R32E S20	SWNW	38.0
T16S R32E S20	SENE	40.0	T16S R32E S21	NENE	40.0
T16S R32E S21	NWNE	40.0	T16S R32E S21	SWNE	40.0
T16S R32E S21	SENE	30.0	T16S R32E S21	NENW	40.0
T16S R32E S21	NWNW	40.0	T16S R32E S21	SWNW	40.0
T16S R32E S21	SENE	40.0	T16S R32E S21	NESW	40.0
T16S R32E S21	NWSW	40.0	T16S R32E S21	SWSW	40.0
T16S R32E S21	SESW	40.0	T16S R32E S21	NESE	40.0
T16S R32E S21	NWSE	40.0	T16S R32E S21	SWSE	40.0
T16S R32E S21	SESE	40.0	T16S R32E S22	NWNW	40.0
T16S R32E S22	SWNW	40.0	T16S R32E S22	NWSW	40.0
T16S R32E S22	SWSW	40.0	T16S R32E S28	NWNE	40.0
T16S R32E S28	NENW	38.0	T16S R32E S28	NWNW	35.0
T16S R32E S28	SENE	40.0	T16S R32E S29	NENE	21.0

Total Acres: 3421

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 17-2000

WATER RIGHT NUMBER: 17-2000

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PRATT RANCH CO
	, ID
Current Owner	DELMORE CANAL CO LTD
	C/O RUSS BOYER
	10101 S 21000 W
	STONE, ID 83252
	(208)698-3354

Priority Date: 11/13/1907

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
DEEP CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/	to /		
IRRIGATION	/	to /	34.400 CFS	
	<u>Total Diversion:</u>		34.400 CFS	

Location of Point(s) of Diversion

DEEP CREEK	SE1/4NW1/4	Sec. 13, Twp 15S, Rge 32E, B.M.
ONEIDA County		

Place of UseIRRIGATION Within ONEIDA County

T15S R32E S34	SWNE	T15S R32E S34	SWNW
T15S R32E S34	SENE	T15S R32E S34	NESW
T15S R32E S34	NWSW	T15S R32E S34	SWSW
T15S R32E S34	SESW	T15S R32E S34	NESE
T15S R32E S34	NWSE	T15S R32E S34	SWSE
T15S R32E S34	SESE	T16S R32E S03 Lot 1	NENE
T16S R32E S03 Lot 2	NWNE	T16S R32E S03 Lot 3	NENW
T16S R32E S03 Lot 4	NWNW	T16S R32E S03	NESW
T16S R32E S03	NWSW	T16S R32E S03	SWSW
T16S R32E S03	SESW	T16S R32E S03	NWSE
T16S R32E S03	SWSE	T16S R32E S04 Lot 1	NENE
T16S R32E S04 Lot 2	NWNE	T16S R32E S04 Lot 3	NENW
T16S R32E S04 Lot 4	NWNW	T16S R32E S04	NESE

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 17-2000

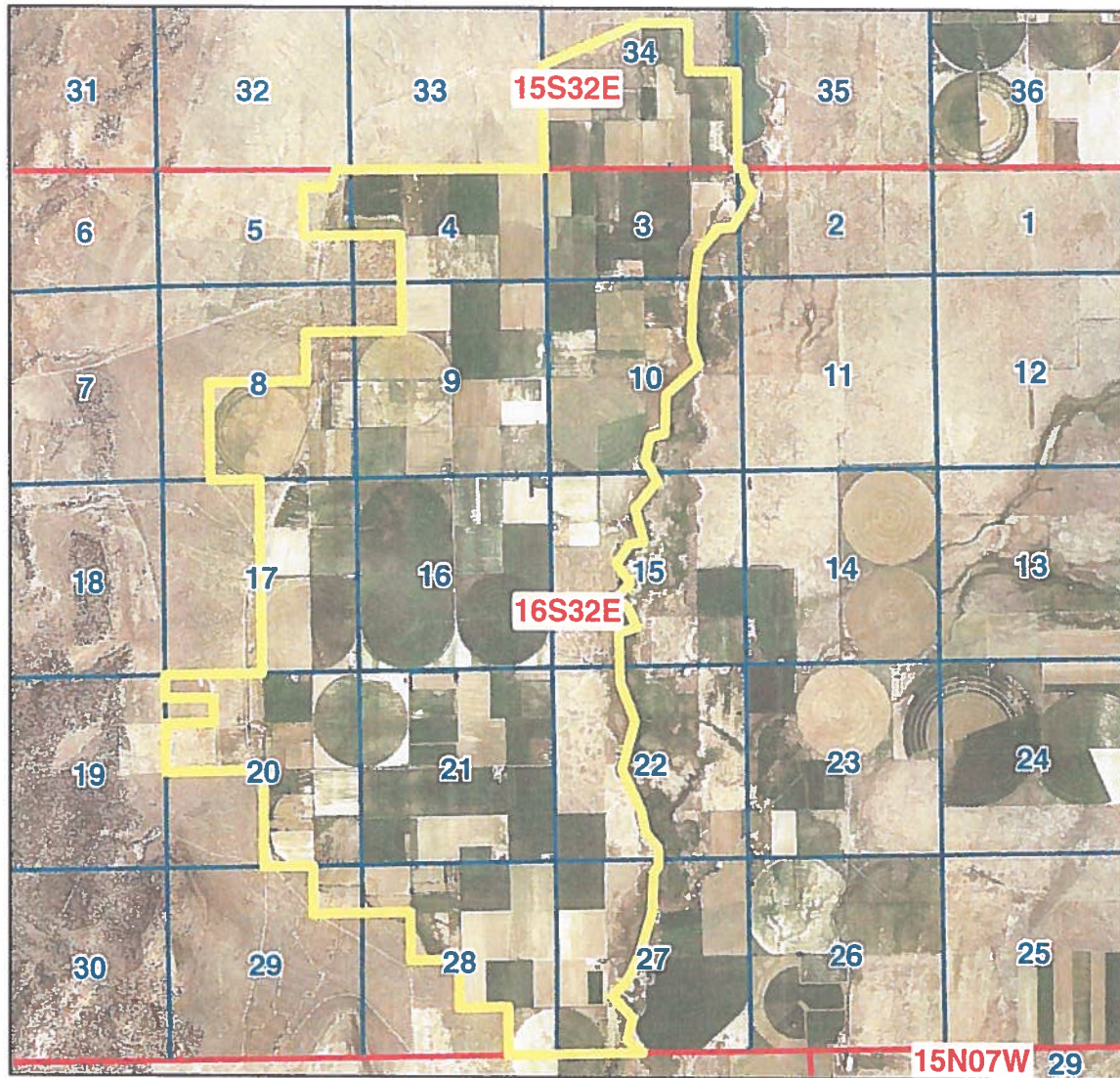
T16S R32E S04	SWSE	T16S R32E S04	SESE
T16S R32E S05 Lot 1	NENE	T16S R32E S08	SESE
T16S R32E S09	NENE	T16S R32E S09	NWNE
T16S R32E S09	SWNE	T16S R32E S09	SENE
T16S R32E S09	SWSW	T16S R32E S09	SESW
T16S R32E S09	NESE	T16S R32E S09	NWSE
T16S R32E S09	SWSE	T16S R32E S10	NWNW
T16S R32E S10	SWNW	T16S R32E S15	SWSW
T16S R32E S16	NENE	T16S R32E S16	NESE
T16S R32E S16	NWSE	T16S R32E S16	SWSE
T16S R32E S16	SESE	T16S R32E S17	NENE
T16S R32E S17	NWNE	T16S R32E S17	SWNE
T16S R32E S17	SENE	T16S R32E S17	NESE
T16S R32E S17	NWSE	T16S R32E S17	SWSE
T16S R32E S17	SESE	T16S R32E S20	NENE
T16S R32E S20	NWNE	T16S R32E S20	SWNE
T16S R32E S20	SENE	T16S R32E S20	NESE
T16S R32E S20	NWSE	T16S R32E S20	SWSE
T16S R32E S20	SESE	T16S R32E S21	NENE
T16S R32E S21	NWNE	T16S R32E S21	SWNE
T16S R32E S21	SENE	T16S R32E S21	NENW
T16S R32E S21	NWNW	T16S R32E S21	SWNW
T16S R32E S21	SENE	T16S R32E S21	NESW
T16S R32E S21	NWSW	T16S R32E S21	SWSW
T16S R32E S21	SESW	T16S R32E S21	NESE
T16S R32E S21	NWSE	T16S R32E S21	SWSE
T16S R32E S22	NWNW	T16S R32E S22	SWNW
T16S R32E S22	NWSW	T16S R32E S28	NWNE
T16S R32E S28	NENW	T16S R32E S28	NWNW
T16S R32E S28	SENE	T16S R32E S29	NENE

DOMESTIC same as IRRIGATION

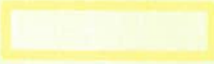
Conditions of Approval:

1. AC. IRR. = 2996.82.
LIC. DESCRIBES P/D AS NEAR CENTER OF S13, T15S, R32E.
LAND DESCRIPTION TAKEN OFF OF PRE-LICENSE AMENDMENT.

Delmore Canal Company Proposed Service Area Boundary

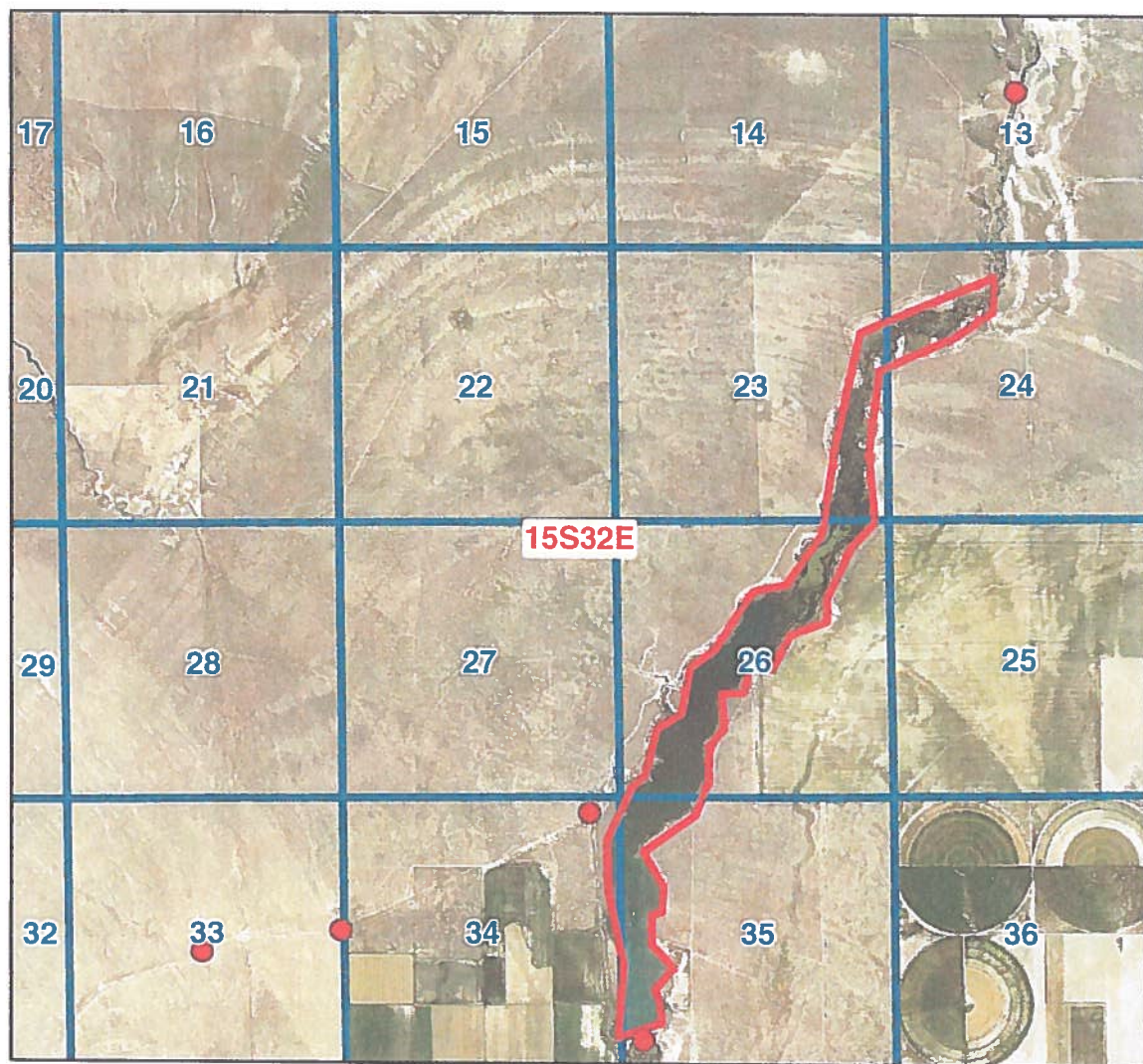


Legend

-  Delmore Service Area
-  Township/Range
-  Sections



Points of Diversion / Irrigation Storage



Legend

- Points of Diversion
- Irrigation Storage POU
- Township/Range
- Sections

0 0.75 1.5
Miles



2009 Aerial Photography

No. C 7698	Due no later than Oct 31, 2012 Annual Report Form		2. Registered Agent and Address (NO PO BOX)
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed.		LYLE STEED 22961 W 8500 S STONE ID 83252
	DELMORE CANAL COMPANY, LIMITED LYLE STEED 22961 W 8500 S STONE ID 83252		3. <u>New</u> Registered Agent Signature:*
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).			
Office Held	Name	Street or PO Address	City State Country Postal Code
TREASURER	KARL HILL	25335W 11500SO	STONE ID USA 83252
DIRECTOR	GALE NEAL	23625W 8500SO	STONE ID USA 83252
SECRETARY	JAMES LEE FORD	25041W 10500SO	STONE ID USA 83252
DIRECTOR	VARD NEAL	9701 SOUTH 24000 WEST	STONE ID USA 83252
5. Organized Under the Laws of: ID C 7698		6. Annual Report must be signed.* Signature: James L.Ford Date: 10/17/2012 Name (type or print): James L.Ford Title: Secretary	
Processed 10/17/2012		* Electronically provided signatures are accepted as original signatures.	