

RECEIVED

DEC 13 2012

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES Department of Water Resources  
Eastern RegionAPPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1Name of Applicant(s) Idaho Water Co. Phone (208) 312-1135Mailing address 1135 Valley Rd. South. Hazelton, ID 83325 Email delkohtzidwc@mindspring.com

- ☐ 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 Jason C. Helms, P.E. Phone (208) 308-2109Mailing address 6755 N. Albert Lane Idaho Falls, ID 83401 Email jasoncivil@alumni.nd.edu

- ☐ 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

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

## 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 Provide ESPA Mitigation, Create PPU
- 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**. Change the place of use for existing water rights to be used for irrigation within the City of Chubbuck municipal water supply system service area.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

AMENDED

**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<br>(cfs/ac-ft) | Nature of Use              | Period of Use | Source & Tributary |
|---------------------------|-----------------------|----------------------------|---------------|--------------------|
| 25-14383 25-14346 (split) | 0.05 / 16.0           | MUNICIPAL                  | 4/1 to 10/31  | GROUND WATER       |
|                           |                       |                            | to            |                    |
|                           |                       |                            | to            |                    |
|                           |                       |                            | to            |                    |
|                           |                       |                            | to            |                    |
|                           |                       |                            | to            |                    |
|                           |                       |                            | to            |                    |
|                           |                       |                            | to            |                    |
|                           |                       |                            | to            |                    |
|                           |                       |                            | to            |                    |
| Total                     |                       | 0.05 cfs and/or 16.0 ac-ft |               |                    |

2. Total amount of water being transferred or changed 0.05 cubic feet per second and/or 16.0 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 | NW | SW | 34  | 05S | 34E | Bannock | Ground Water | Extg. Well          |
| n     |     | NW | NW | SW | 3   | 06S | 34E | Bannock | Ground Water | Extg. Well          |
| n     |     | SW | SE | SW | 4   | 06S | 34E | Bannock | Ground Water | Extg. Well          |
| n     | 13  |    | SW | SW | 10  | 06S | 34E | Bannock | Ground Water | Extg. Well          |
| n     | 4   | NE | NW | NW | 11  | 06S | 34E | Bannock | Ground Water | Extg. Well          |

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 |             |
|     |     |     | This water right will be limited to the irrigation of 4.0 acres within the updated municipal service area boundary. |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |                                                                                                                     |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |                                                                                                                     |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |                                                                                                                     |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |                                                                                                                     |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |                                                                                                                     |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |                                                                                                                     |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |

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 flow meters.

- b. Who owns the property at the point(s) of diversion? City of Chubbuck  
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: See attached agreement allowing diversion of listed water right portions from existing City of Chubbuck wells

- 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:**

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: The boundaries for the place of use are not proposed to be changed, the total number of irrigated acres within the existing place of use will be reduced by the amount proposed for 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: 25-14370 also at existing POU. City of Chubbuck water rights 29-2385, 29-2413, 29-2469, 29-7624, 29-8188, 29-8229, 29-8230, 29-14012, 29-14013 also diverted from the wells identified in this application.

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,  
☐ ☒ currently leased to the Water Supply Bank,  
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or  
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

### A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1. of the application, attach a Proof Report (obtained from Department) or Details Report (obtained from website @ <http://www.idwr.idaho.gov/apps/ExtSearch/SearchWRAJ.asp> ). Label it **Part 2A.**

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

- ☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable.

Right Number: 25-14346

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per  $\frac{1}{4}$   $\frac{1}{4}$  tract.)

[illegible]

**Total Acres (for irrigation use)     -4.0 from PPU**

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

**Current Water Right No.: 25-14346**

Current Owner: IDAHO WATER CO LLC

Priority Date: 8/19/1952

Origin: Water Right

Status: Active

Basis: Decreed

**Source**

**Tributary**

GROUND WATER

| <b><u>Beneficial Use</u></b> | <b><u>From To</u></b>  | <b><u>Diversion Rate</u></b> | <b><u>Annual Volume</u></b> |
|------------------------------|------------------------|------------------------------|-----------------------------|
| IRRIGATION                   | 04/01 to 10/31         | 0.34 CFS                     | 99.2 AF                     |
|                              | <u>Total Diversion</u> | 0.34 CFS                     | 99.2 AF                     |

**Location of Point(s) of Diversion**

|                   |                 |          |          |              |
|-------------------|-----------------|----------|----------|--------------|
| GROUND WATER      | NW1/4SW1/4SE1/4 | Sec. 21, | Twp 01N, | Rge 38E B.M. |
| BONNEVILLE County |                 |          |          |              |
| GROUND WATER      | SE1/4SW1/4NE1/4 | Sec. 28, | Twp 01N, | Rge 38E B.M. |
| BONNEVILLE County |                 |          |          |              |
| GROUND WATER      | SE1/4SE1/4NE1/4 | Sec. 28, | Twp 01N, | Rge 38E B.M. |
| BONNEVILLE County |                 |          |          |              |
| GROUND WATER      | NE1/4SE1/4NW1/4 | Sec. 28, | Twp 01N, | Rge 38E B.M. |
| BONNEVILLE County |                 |          |          |              |

**Place of Use**

**IRRIGATION Within BINGHAM County**

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T01N R38E S27 | SWNW | 40.00 | T01N R38E S27 | NWSW | 40.00 |
| T01N R38E S28 | NENE | 14.00 | T01N R38E S28 | SENE | 22.00 |
| T01N R38E S28 | NENW | 3.00  | T01N R38E S28 | SENE | 27.00 |
| T01N R38E S28 | NESE | 24.00 | T01N R38E S28 | NWSE | 18.00 |
| T01N R38E S28 | SWSE | 34.00 | T01N R38E S28 | SESE | 39.00 |

Total Acres: 261

**Conditions of Approval:**

1. 113 Beginning on the date of approval of Transfer 77439, the irrigation uses under rights 25-14370 and 25-14346 when combined are limited to the following schedule of allowed use. The right holder shall file a notice of intent with the Department prior to the increased use of water under the rights each time an increase according to the schedule is sought.  
  
Year 2011 through 2012 the rights are limited to 0.52 cfs, 143.6 afa and 35.9 acres.  
Year 2013 through 2017 the rights are limited to 0.59 cfs, 164.4 afa and 41.1 acres.  
Year 2018 through 2023 the rights are limited to 0.67 cfs, 184.8 afa and 46.2 acres.  
Year 2024 and beyond the rights are limited to 0.69 cfs, 191.2 afa and 47.8 acres.
2. 201 The combination of changes under:  
Transfer approval 77438 as described under rights 29-14012 and 29-14013;  
Transfer approval 77439 as described under rights 25-14370 and 25-14346;  
Transfer approval 77440 as described under right 36-16917;  
Transfer approval 77441 as described under right 22-14018;  
Transfer approval 77443 as described under right 27-12235;  
Transfer approval 77444 as described under right 25-14347;  
  
provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.  
  
Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right.
3. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. 206 Rights 25-14370 and 25-14346 are limited to the irrigation of a specific 47.8 acres within the 261.0 acre place of use authorized by this right in a single irrigation season. The specific 47.8 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 47.8 acres to be irrigated within the 261.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 214 Prior to the diversion and use of water under Transfer approval 77439, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

9. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
10. X35 Rights 25-14370 and 25-14346 when combined shall not exceed the irrigation of 47.8 acres.
11. T07 The right holder shall accomplish the change authorized by this transfer within one years of the date of this approval.
12. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
13. X27 This right is limited to the irrigation of 24.8 acres within the authorized place of use in a single irrigation season.
14. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
15. 004 This right does not grant any right-of-way or easement across the land of another.

Decreed Date: 1/31/2002

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3

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

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

## B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(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**.

## C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. 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.: NA

## FOR DEPARTMENT USE ONLY

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments.

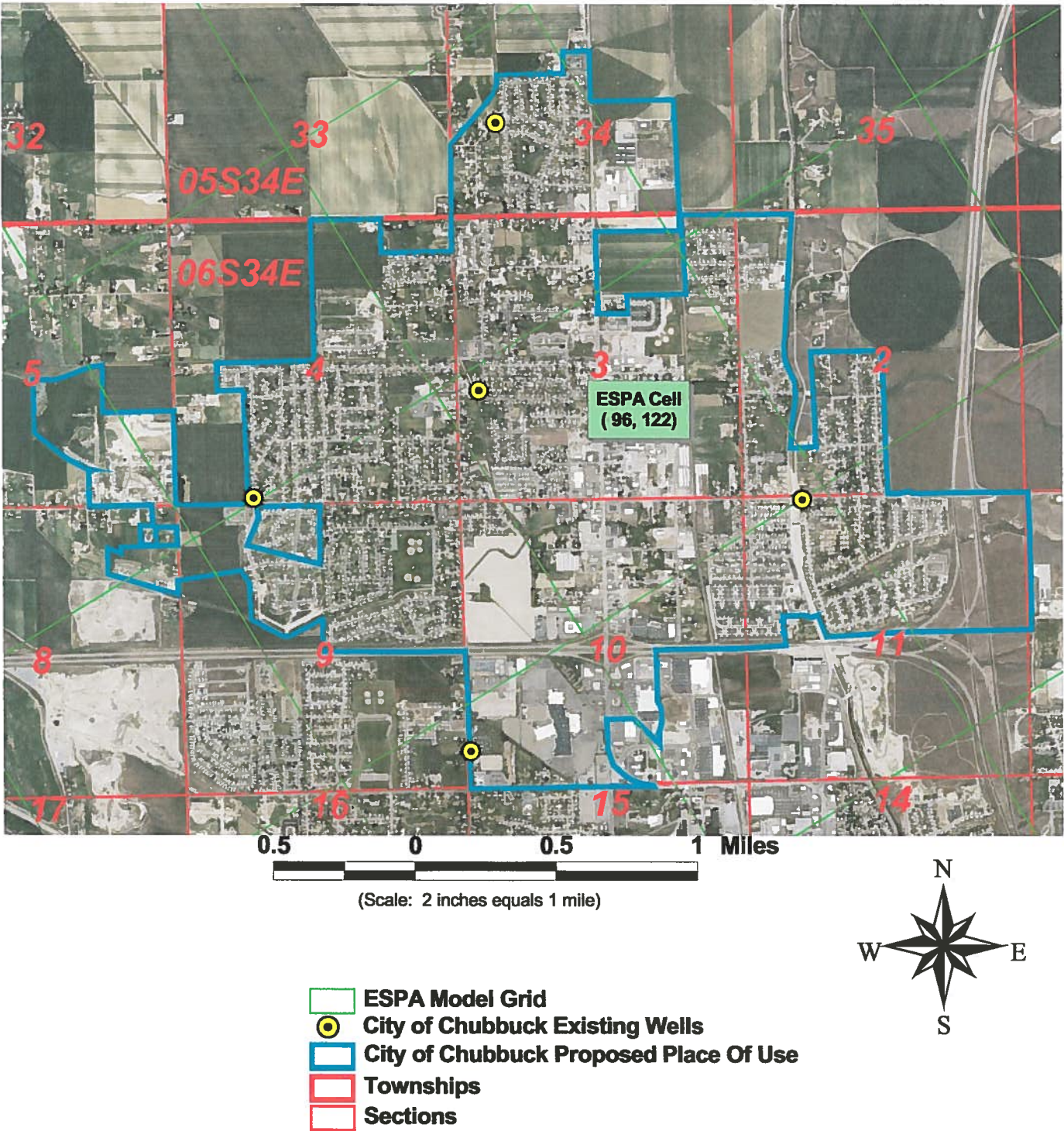
Received by \_\_\_\_\_ Date \_\_\_\_\_ Prelim. Check by \_\_\_\_\_ Date \_\_\_\_\_

Fee Paid \$250.00 Date 12/19/2012 Received by BS/MC Receipt # E038273

Add'l Fee Paid \_\_\_\_\_ Date \_\_\_\_\_ Received by \_\_\_\_\_ Receipt # \_\_\_\_\_

78378

**APPLICATION FOR TRANSFER OF WATER RIGHT  
(Proposed Place of Use)**



JCH - 4/22/2011

**ATTACHMENT #7A**

78373

# ESPA Ground Water Rights Transfer Spreadsheet Data Summary

|                                        |                                          |
|----------------------------------------|------------------------------------------|
| <b>TRANSFER NO:</b> 25-14346           | <b>PREPARED BY:</b> Jason C. Helms, P.E. |
| <b>TRANSFER NAME:</b> City of Chubbuck | <b>DATE:</b> 8/10/2012                   |
|                                        | <b>Transfer Tool Version</b> Version 3.1 |

## WATER RIGHTS INVOLVED:

| Water Rights Inventory |               |                              |               |
|------------------------|---------------|------------------------------|---------------|
| Group 1                |               | Group 2                      |               |
| Transfer Rights        |               | Additional Mitigation Rights |               |
| Right No.              | Priority Date | Right No.                    | Priority Date |
| 25-14346               | 8/19/1952     |                              |               |

## HISTORIC BENEFICIAL USE:

| Trans/Mit. Rights (group no.) | Acres to Dry Up (ac) | Beneficial Use (af/yr) | Total (af/yr) |
|-------------------------------|----------------------|------------------------|---------------|
| 25-14346                      | 4                    | 16                     | 16            |
| <b>TOTAL:</b>                 | <b>4</b>             | <b>16.0</b>            | <b>16</b>     |

## MODEL CELL LOCATIONS:

|        | TO WELL | FROM1 WELL | FROM2 WELL | FROM3 WELL |
|--------|---------|------------|------------|------------|
| ROW    | 96      | 80         | 0          | 0          |
| COLUMN | 122     | 159        | 0          | 0          |

6S34E-3

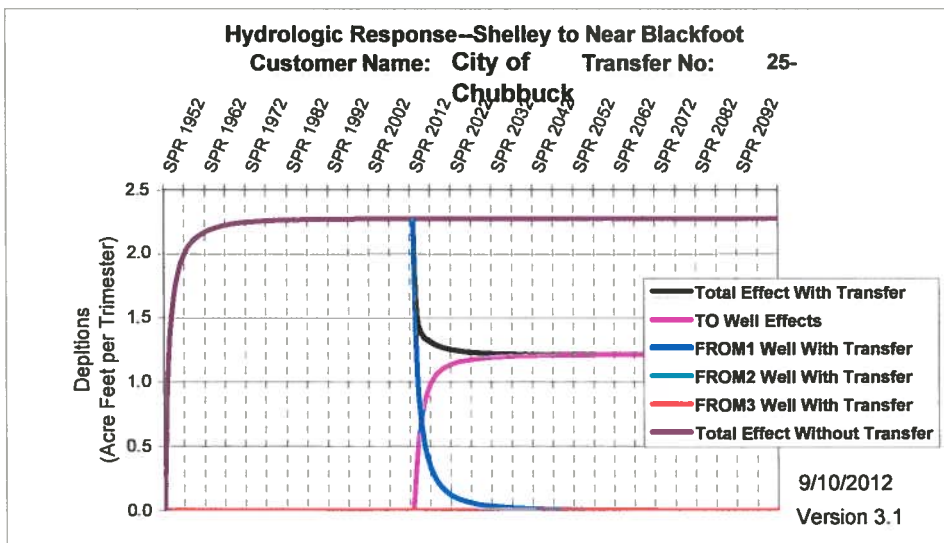
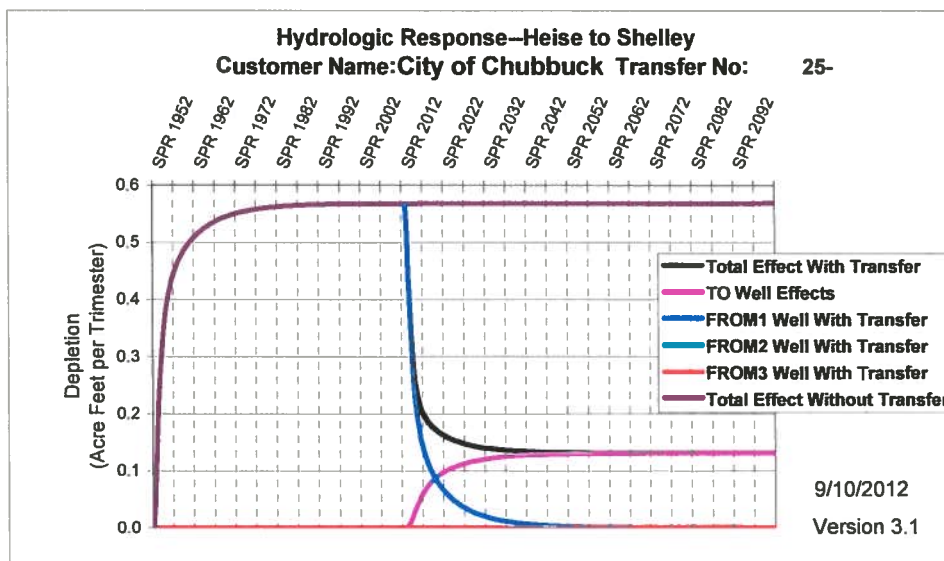
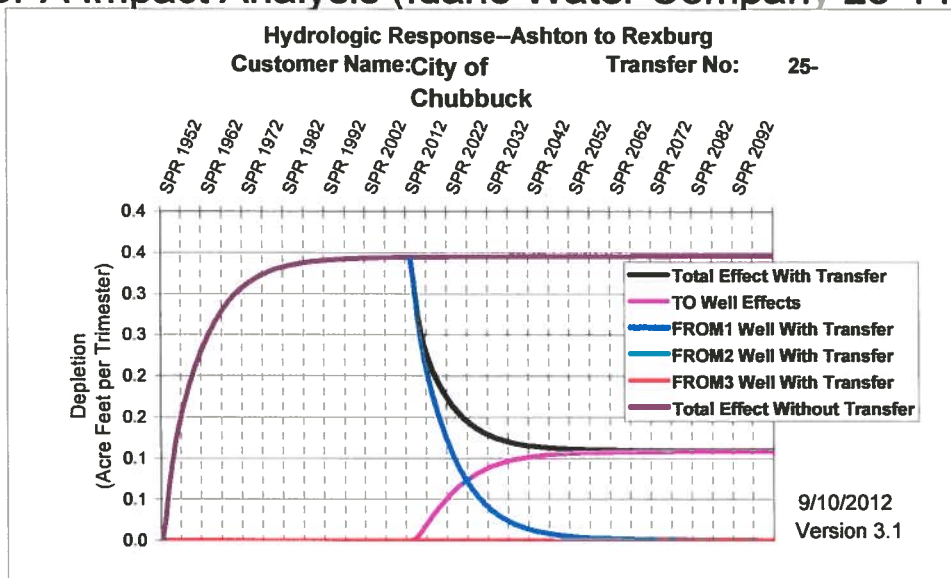
1N38E-28

| TO Well<br>(Projected Use)    | Start Date |      | End Date |      | Water Use      |                          | Acres Authorized (acres) | Notes                                                               |
|-------------------------------|------------|------|----------|------|----------------|--------------------------|--------------------------|---------------------------------------------------------------------|
|                               | Season     | Year | Season   | Year | Annual (af/yr) | Trimester (af/trimester) |                          |                                                                     |
| FROM1 Well (With Transfer)    | Spring     | 1952 | Winter   | 2011 | 16             | 5.3                      | 4.0                      | No use prior to transfer<br>Full use beginning spring, 2013         |
| FROM1 Well (Without Transfer) | Spring     | 1952 | Winter   | 2011 | 0              | 0.0                      | 4.0                      | Assume full use prior to transfer<br>Use ceases with transfer       |
| FROM2 Well (With Transfer)    | Spring     | 1952 | Winter   | 2011 | 16             | 5.3                      | 4.0                      | Assume full use prior to transfer<br>Use continues without transfer |
| FROM2 Well (Without Transfer) | Spring     | 1952 | Winter   | 2011 | 0              | 0.0                      | 4.0                      | Not used                                                            |
| FROM3 Well (With Transfer)    | Spring     | 1952 | Winter   | 2011 | 0              | 0.0                      | 0.0                      | Not used                                                            |
| FROM3 Well (Without Transfer) | Spring     | 1952 | Winter   | 2011 | 0              | 0.0                      | 0.0                      | Not used                                                            |

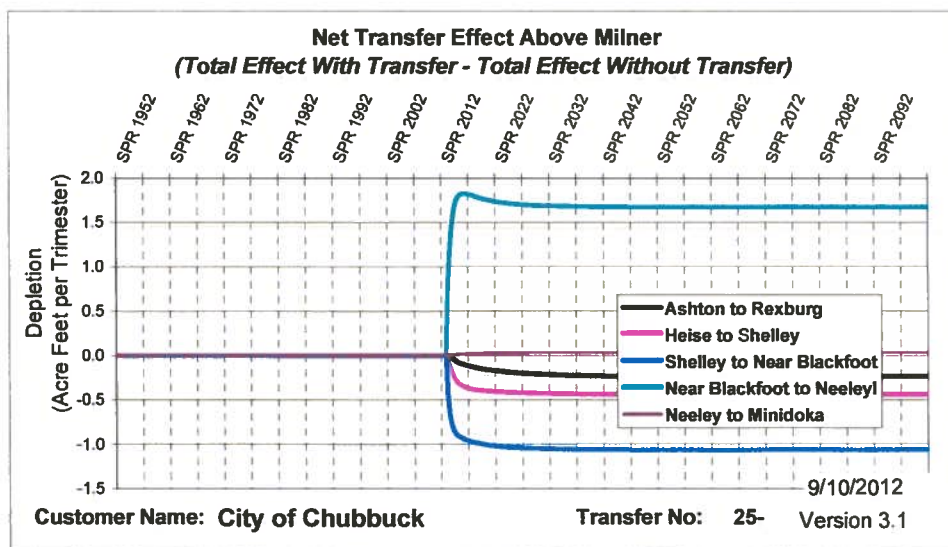
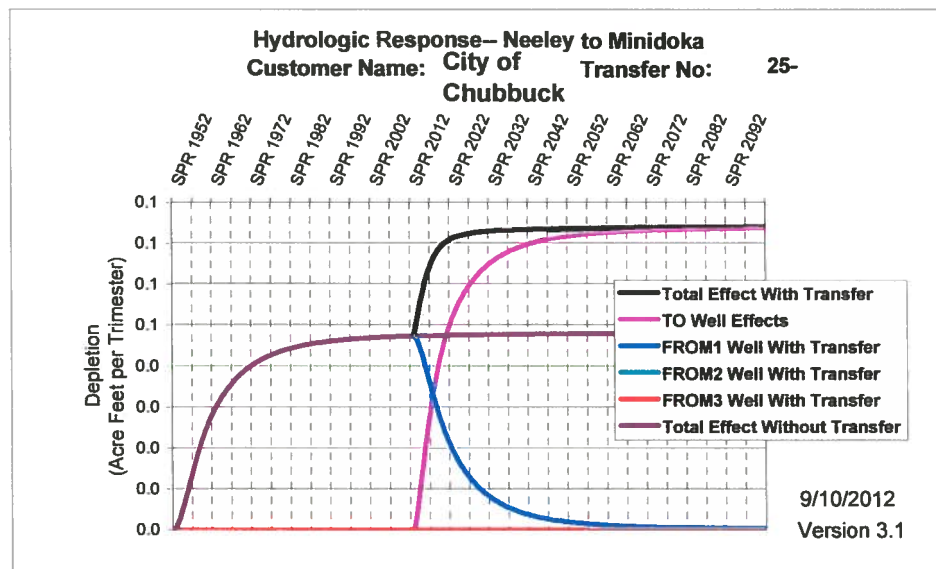
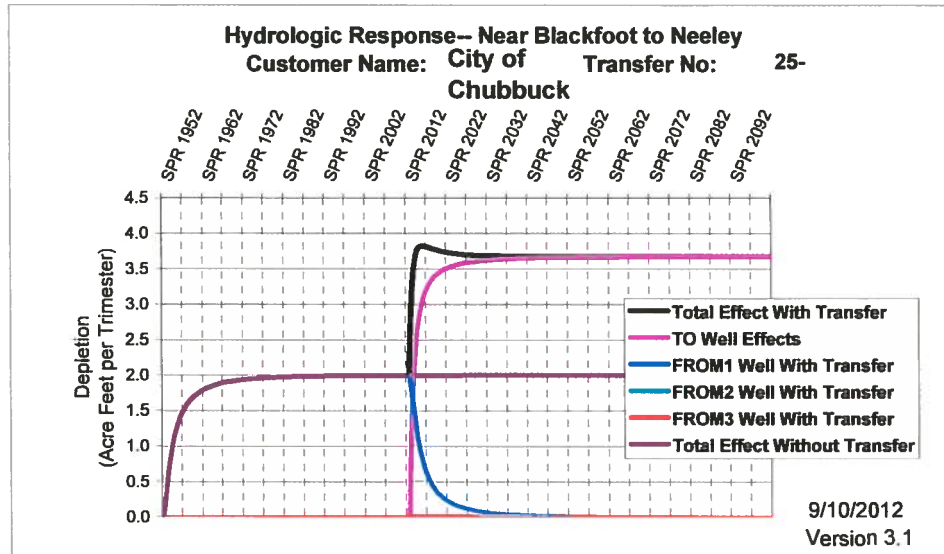
# ESPA Impact Analysis (Idaho Water Company 25-14346)

| <b>ENHANCED GROUND-WATER RIGHTS TRANSFER</b>                                                                           |                      |                      |                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                         |                      |                         |                                     |  |
|------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|----------------------|-------------------------|-------------------------------------|--|
| UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE                                                         |                      |                      |                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                         |                      |                         | IDAHO DEPARTMENT OF WATER RESOURCES |  |
| Cells this color are set up for user entries                                                                           |                      |                      |                         | <div style="display: flex; justify-content: space-around; margin-bottom: 5px;"> <div style="border: 1px solid black; width: 100px; height: 40px; background-color: #e6f2ff; text-align: center; line-height: 40px;">1</div> <div style="border: 1px solid black; width: 100px; height: 40px; background-color: #e6f2ff; text-align: center; line-height: 40px;">2</div> <div style="border: 1px solid black; width: 100px; height: 40px; background-color: #e6f2ff; text-align: center; line-height: 40px;">3</div> </div> <div style="border: 1px solid black; width: 300px; height: 60px; background-color: #e6f2ff; text-align: center; line-height: 60px; margin: 0 auto;">4</div> |                         |                      |                         |                                     |  |
| <b>ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON</b><br><b>YEAR</b> 1952<br><b>SEASON</b> SPRING |                      |                      |                         | <b>TRANSFER NO:</b> 25-14346<br><b>TRANSFER NAME:</b> City of Chubbuck                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                         |                      |                         |                                     |  |
| <b>ENTER CELL LOCATIONS:</b>                                                                                           |                      |                      |                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                         |                      |                         |                                     |  |
|                                                                                                                        |                      | <b>'TO' CELL</b>     | <b>'FROM1' CELL</b>     | <b>'FROM2' CELL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>'FROM3' CELL</b>     |                      |                         |                                     |  |
| <b>ROW</b>                                                                                                             |                      | 96                   | 80                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                         | 25-14346             |                         | 8/19/1952                           |  |
| <b>COLUMN</b>                                                                                                          |                      | 122                  | 159                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                         |                      |                         | Total                               |  |
|                                                                                                                        |                      | 6S34E-3              | 1N38E-28                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                         |                      |                         |                                     |  |
| <b>TRIMESTER OF ACTIVITY</b>                                                                                           | <b>TO WELL</b>       | <b>FROM1 WELL</b>    |                         | <b>FROM2 WELL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                         | <b>FROM3 WELL</b>    |                         |                                     |  |
|                                                                                                                        | <i>Projected Use</i> | <i>With Transfer</i> | <i>Without Transfer</i> | <i>With Transfer</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <i>Without Transfer</i> | <i>With Transfer</i> | <i>Without Transfer</i> |                                     |  |
|                                                                                                                        | AF/TRIMESTER         | AF/TRIMESTER         | AF/TRIMESTER            | AF/TRIMESTER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | AF/TRIMESTER            | AF/TRIMESTER         | AF/TRIMESTER            |                                     |  |
| SPR 1952                                                                                                               | 0.0                  | 0.0                  | 0.0                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| SUM 1952                                                                                                               | 0.0                  | 5.3                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| WIN 1952                                                                                                               | 0.0                  | 5.3                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| SPR 1953                                                                                                               | 0.0                  | 5.3                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| SUM 1953                                                                                                               | 0.0                  | 5.3                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| WIN 1953                                                                                                               | 0.0                  | 5.3                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| SPR 1954                                                                                                               | 0.0                  | 5.3                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
|                                                                                                                        |                      |                      |                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                         |                      |                         |                                     |  |
| SPR 2010                                                                                                               | 0.0                  | 5.3                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| SUM 2010                                                                                                               | 0.0                  | 5.3                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| WIN 2010                                                                                                               | 0.0                  | 5.3                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| SPR 2011                                                                                                               | 0.0                  | 5.3                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| SUM 2011                                                                                                               | 0.0                  | 5.3                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| WIN 2011                                                                                                               | 0.0                  | 5.3                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| SPR 2012                                                                                                               | 0.0                  | 5.3                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| SUM 2012                                                                                                               | 0.0                  | 5.3                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| WIN 2012                                                                                                               | 0.0                  | 5.3                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| SPR 2013                                                                                                               | 5.3                  | 0.0                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| SUM 2013                                                                                                               | 5.3                  | 0.0                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| WIN 2013                                                                                                               | 5.3                  | 0.0                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| SPR 2014                                                                                                               | 5.3                  | 0.0                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| SUM 2014                                                                                                               | 5.3                  | 0.0                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| WIN 2014                                                                                                               | 5.3                  | 0.0                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| SPR 2015                                                                                                               | 5.3                  | 0.0                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| SUM 2015                                                                                                               | 5.3                  | 0.0                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| WIN 2015                                                                                                               | 5.3                  | 0.0                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| SPR 2016                                                                                                               | 5.3                  | 0.0                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
|                                                                                                                        |                      |                      |                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                         |                      |                         |                                     |  |
| SPR 2100                                                                                                               | 5.3                  | 0.0                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| SUM 2100                                                                                                               | 5.3                  | 0.0                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| WIN 2100                                                                                                               | 5.3                  | 0.0                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| SPR 2101                                                                                                               | 5.3                  | 0.0                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| SUM 2101                                                                                                               | 5.3                  | 0.0                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |
| WIN 2101                                                                                                               | 5.3                  | 0.0                  | 5.3                     | 0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0                     | 0.0                  | 0.0                     | 0.0                                 |  |

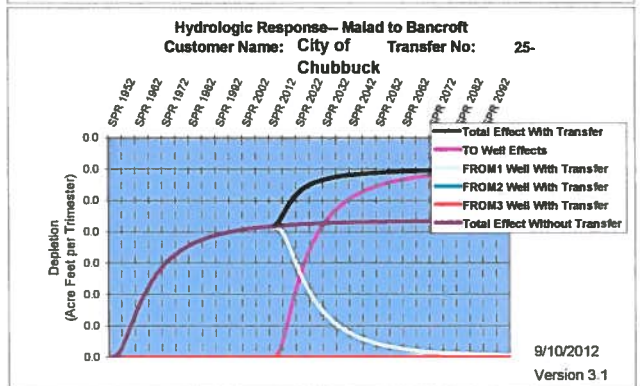
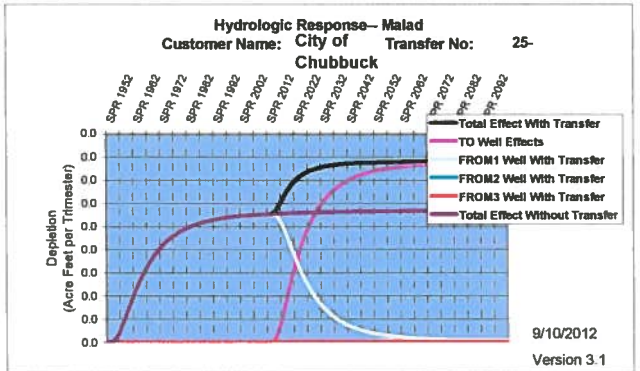
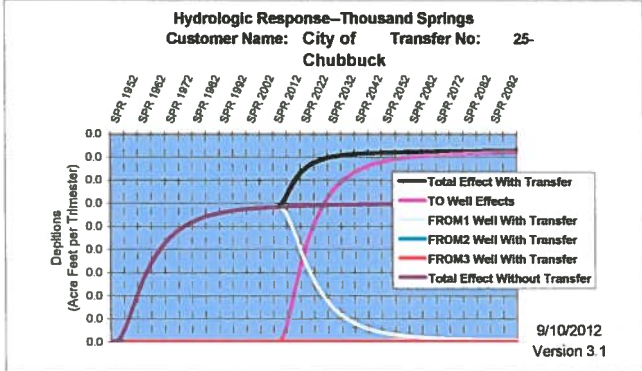
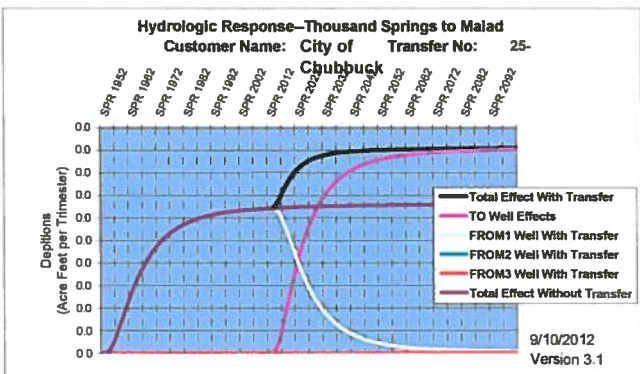
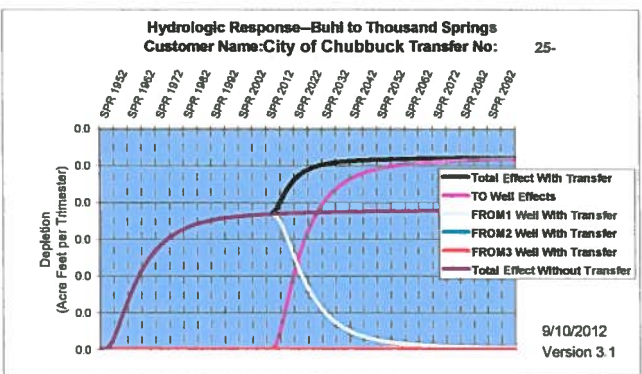
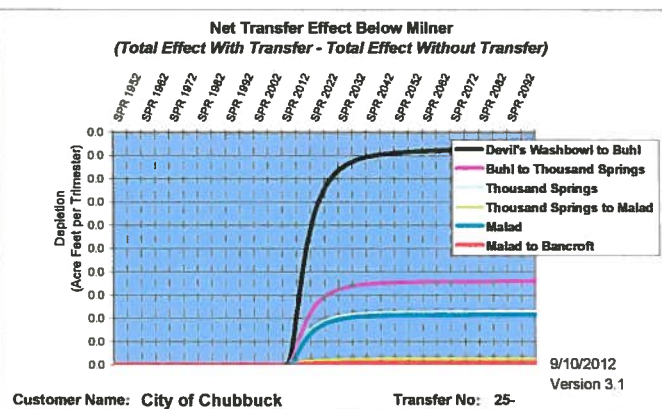
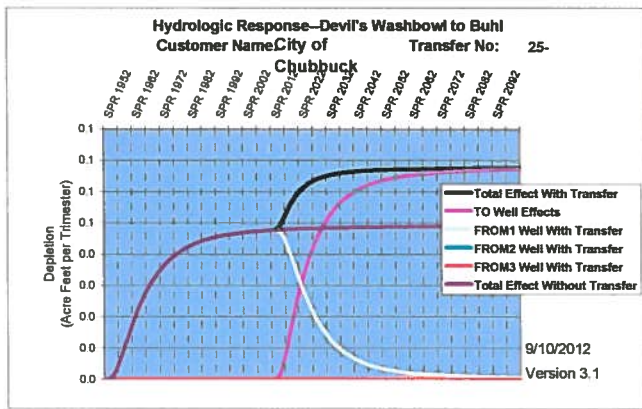
# ESPA Impact Analysis (Idaho Water Company 25-14346)



# ESPA Impact Analysis (Idaho Water Company 25-14346)



# ESPA Impact Analysis (Idaho Water Company 25-14346)



## **AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT**

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**THIS AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT** ("Agreement") is made and entered into this 30<sup>th</sup> day of April, 2012 ("Effective Date"), by and between Idaho Water Company LLC, an Idaho limited liability company, whose address is 1135 Valley Road South, Eden, Idaho 83325 (hereinafter "Seller"), and City of Chubbuck, an Idaho municipal corporation, whose address is City Hall, Chubbuck, Idaho 83201 (hereinafter "Buyer"). Del Kohtz is a principal of Seller and hereby discloses that he is a licensed real estate agent acting herein as principal for his own account and not representing or acting as an agent for Buyer.

### **RECITALS**

A. Seller owns that certain decreed water right designated as Water Right No. 25-14346 (priority date August 19, 1952) in the records of the Idaho Department of Water Resources ("Department") authorizing diversion of ground water for irrigation.

C. Buyer wishes to purchase a portion of the above-referenced irrigation water right owned by Seller and to change the point of diversion and place of use thereof for Buyer's irrigation purposes ("Transfer").

D. Seller and Buyer acknowledge that the Transfer will require formal application to, and approval by, the Department.

## AGREEMENT

NOW THEREFORE, in consideration of the foregoing recitals, the sums to be paid by Buyer to Seller, and the covenants and conditions set forth below, the parties hereby agree as follows:

1. Water Right Subject to Purchase and Sale. Seller agrees to sell and Buyer agrees to purchase up to 0.5 cubic-feet-per-second/16.0 acre-feet-per-annum of ground water authorized for diversion under Water Right No. 25-14346 (priority date August 19, 1952) for irrigation of up to 4.0 acres, and hereinafter referred to as the "Water Right," to be transferred by Buyer to Buyer's purpose and place of use.

2. Purchase and Sale. Seller, in consideration of the terms contained herein, agrees to sell and convey to Buyer and Buyer does hereby agree to buy from Seller the Water Right.

3. Purchase Price. The purchase price for the Water Right is [REDACTED] Dollars [REDACTED] ("Purchase Price"), which is based on a unit value [REDACTED] per each acre-foot of authorized annual volume of water to be conveyed to Buyer. The Purchase Price shall be payable as follows:

a. Earnest Money Deposit. Upon execution of this Agreement by Seller and Buyer, Buyer shall deliver to Seller the sum of [REDACTED] as earnest money ("Earnest Money"). The Earnest Money shall be applied towards the Purchase Price at Closing.

b. Balance of Purchase Price. The balance of the Purchase Price, being [REDACTED] ("Purchase Price Balance"), shall be due and payable to Seller at Closing as provided herein.

c. Adjustment to Purchase Price and Water Right to be Purchased Due to Transfer Conditions. Seller and Buyer acknowledge that the Purchase Price is based upon a unit

value of [REDACTED] per each acre-foot-per-annum of water authorized by the Transfer to be available for Buyer's intended use. If due to acknowledged uncertainties in the final ESPA model configurations or otherwise, the Department approves the Transfer but with conditions limiting the total annual diversion volume for irrigation to less than proposed in the Transfer, and provided Buyer has waived the conditions precedent herein and elected to close on the purchase of the lesser quantity of the Water Right approved under the Transfer, then the parties agree that the Purchase Price will be adjusted based on the annual diversion volume in acre-feet that have been approved by the Transfer to Buyer's use for irrigation multiplied by [REDACTED]

d. Pre-Closing Obligations. Seller and Buyer agree to cooperate in obtaining Department approval of the Transfer. Within thirty (30) days following the Effective Date of this Agreement, Seller shall file with the Department an application to transfer the Water Right in Seller's name using Buyer's place of use and point of diversion; provided however, that Buyer shall be responsible for the costs to prepare, file and prosecute the Transfer application with the Department, including all consultant fees for preparation of the Transfer application, calculation of mitigation, and Buyer's attorney fees in the case of protests and hearings on the Transfer. Buyer and Seller shall use best efforts to obtain timely Transfer approval. Buyer authorizes Seller to make needed changes to the Transfer application to facilitate the process of transferring the water provided such changes made will not materially change the amount of money Buyer has to pay, or the amount of water Buyer receives.

4. Condition Precedent. Buyer's obligation to close the purchase of the Water Right is expressly subject to and conditioned upon Department approval of the Transfer. If the Department does not approve the Transfer for the reasons that the Water Right are abandoned or forfeited in whole or in part, or have not been fully beneficially used, Buyer agrees that Seller may have thirty (30) days after the Department's determination in which to identify other water

rights of equal or earlier priority and equal source to substitute for the Water Right and to refile a Transfer application with the Department.

5. Termination. If the foregoing condition precedent is neither satisfied nor waived by Buyer, or in the event of any default by Seller, and provided Buyer is not in default hereunder, Buyer may terminate this Agreement by giving written notice of termination to Seller, and Buyer shall be entitled to return of the Earnest Money.

6. Closing. Closing shall occur within thirty (30) days following Department approval of the Transfer. Possession and use of the Water Right passes to Buyer on Closing. At Closing, Buyer shall deliver the Purchase Price Balance to Seller, less any permitted adjustments, and Seller shall provide Buyer with a fully-executed Special Warranty Deed substantially in the form attached hereto as Exhibit A conveying the Water Right to Seller.

7. Attorney Fees. In the event of any suit or proceeding by either party against the other party, in any way arising out of this Agreement, the prevailing party shall be awarded their reasonable attorney fees and costs.

8. Binding. This Agreement shall be binding upon, inure to the benefit of, and be enforceable by the parties hereto and their respective heirs, representatives, successors and assigns.

9. Authority. Each party represents and warrants to the other that they have full power and authority to enter into this Agreement.

10. As-Is. Except as to the warranties contained in the Special Warranty Deed to be delivered by Seller at Closing, Seller has not made and does not hereby make, any representations, warranties or guaranty of any kind concerning the Water Right or its fitness for Buyer's intended purposes, or any purpose. Buyer acknowledges that Buyer is relying solely on its own investigation of the Water Right.

11. Mitigation. Seller has no control over the amount of mitigation or “write-down” the Department may require in approving Buyer’s particular Transfer, and therefore, the Purchase Price Buyer pays is based on the amount of water transferred out of the original Water Right. Buyer understands that all mitigation rights provided by Seller and all reach credits that may be accrued by this transfer shall remain the property of Seller.

12. Entire Agreement. This Agreement contains the entire agreement between the parties related to the purchase and sale of the Water Right, and all prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged herein.

13. Modification. No modification of this Agreement shall be valid unless the same is in writing and signed by both parties.

14. Essence of Time. Time is of the essence to this Agreement.

15. Notices. All notices to be given to the parties shall be in writing, delivered in hand, or by U.S. Mail, postage pre-paid directed to such parties address as contained herein unless such party shall have directed in writing that notice be sent to a different address.

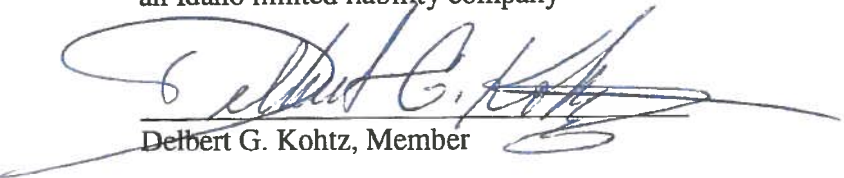
16. Counterparts. This Agreement may be executed in counterparts.

*[end of text; signature page follows]*

IN WITNESS WHEREOF the parties have caused their names to be subscribed on the dates set forth above.

**SELLER:**

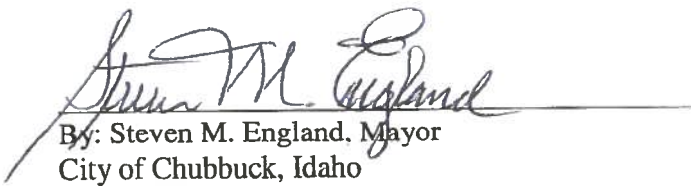
Idaho Water Company LLC,  
an Idaho limited liability company



Delbert G. Kohtz, Member

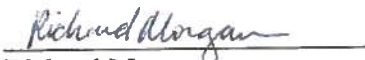
**BUYER:**

City of Chubbuck, an Idaho municipal corporation



By: Steven M. England, Mayor  
City of Chubbuck, Idaho

**ATTEST**



Richard Morgan  
City Clerk



DEC 13

Department of Water Resources

Eastern Region

Transfer No.

78373

Page 1 of 10

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT  
MINIMUM REQUIREMENTS CHECKLISTIdaho Water Co.  
25-14346 (4.0 ac.)  
Transfer - City of Chubbuck

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 and water right proof report or details report for Part 2A of the transfer application 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 Proof Report (obtained from Department) or Details Report (obtained on website) 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: \_\_\_\_\_

78373