

IDL App for Transfer
WR 43-10565

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78291

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/>.

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DEPT. OF WATER RESOURCES
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Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

- Yes N/A * Means the item is always required and must be included with the application.
- ☒ * Completed Application for Transfer of Water Right form, Part 1.
 - ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
 - ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
 - ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
 - ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
 - ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78291

OCT 15 2012

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

DEPT. OF WATER RESOURCES

SOUTHERN REGION

Name of Applicant(s) State of Idaho, Department of Lands Phone 208-334-0200

Mailing address 300 N 6th St., Ste.103, PO Box 83720, Boise, ID 83720-0050 Email tduffner@idl.idaho.gov

- ☐ 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 Tyson Nelson, DAG Phone 208-334-4549

Mailing address P.O. Box 83720, Boise, ID 83720-0010 Email tyson.nelson@ag.idaho.gov

- ☐ 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

Timothy C. Duffner, Area Manager, IDL
Print Name and Title if applicable

10-11-12
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. Correction of current POU location**. Also, a proposed upgrade of the stockwater system from a gravity flow system feeding troughs in one location to a pipeline system feeding multiple float equipped troughs out of a float equipped storage tank requires addition of three more POU locations. (continued on next page)

43-10565 Application for Transfer of Water Right
Part 1.A.2
(continued)

POD, stockwater use, number of cattle using the system, period of use, and diversion rate will remain the same. Additions of floats, water storage tank, and additional troughs to the livestock water system will increase the reliability of the system, reduce energy costs, conserve water, increase grazing management flexibility, and improve livestock distribution.

The well (POD) for this water right is currently pumped via a submersible pump powered by a gasoline generator. The generator is operated as needed when livestock are in the area. The existing place of use for this water right is a series of stockwater troughs plumbed together as a gravity flow system from the well with uncontrolled overflow into a draw near the troughs. The existing place of use has been the place of use for many years, we suspect a mapping error as the reason for the incorrect legal description on the POU in the water right. We wish to correct that error with this transfer application, plus add new POU's to match additional troughs described in a proposed upgraded stock water system on this State Endowment Land section.

The proposed water system includes a solar panel power source with a propane backup generator to operate the submersible pump in the existing well. Water will be pumped to a storage tank with a float operated shut-off valve and sensor to re-activate the pump power sources when the tank drains down to $\frac{3}{4}$ full. Water will then gravity flow via buried pipeline to troughs in the existing trough location near the well, plus three additional locations. All trough intake pipes (fill lines) will contain a float operated shut off valve to stop water flowing into the troughs when they are full.

Cattle numbers consuming water from the system are not expected to change from the current use. The system has been designed to incorporate enough storage to provide for livestock for three or more days without the well operating in case of well, pump, or pump power system failure.

Total proposed system capacity is approximately 18,400 gallons, this includes:

One 10,000 gallon storage tank

Three tire troughs, approx. 2,000 gallons each = 6,000 gallons

Existing steel troughs at well, approx. 2,400 gallons

The proposed water system is part of a Natural Resources Conservation Service (NRCS) Environmental Quality Incentives Program (EQIP) project. The system was planned and designed by NRCS employees. As part of the design process, the NRCS tested the well on May 21, 2012 and found the following well performance:

Static water depth 125'. After one hour of pumping operation – static depth changed to 173'. After a 15 minute rest, static depth rose 23' to 150'. Gallons per minute (gpm) from the well started at 6.7 and after 1 hour of operation changed to 4.6 gpm. The water system design is based on a 4.5 gpm flow rate.

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 ☒ ☐	43-10565	0.04 cfs	Stockwater	1/01 to 12/31	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 13000 gpd cfs and/or n/a ac-ft

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

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	28E	36				S						S		S					

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: _____
Installing solar powered submersible pump w/propane generator backup power source on an existing cased well. Pump will be at 225' deep or deeper. A measuring device and/or lockable control could be placed on the main stockwater pipeline between the well and storage tank, within 10 feet of the well.
- b. Who owns the property at the point(s) of diversion? State of Idaho
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

- It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
N/A

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
N/A

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
- | Yes | No | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

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 **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> , Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

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. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 43-10565

- [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) _____

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

Current Water Right No.: 43-10565

Current Owner: STATE OF IDAHO

Priority Date: 6/15/1954

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.04 CFS	
	<u>Total Diversion</u>	0.04 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4NE1/4	Sec. 36,	Twp 11S,	Rge 28E B.M.
CASSIA County				

Place of Use

STOCKWATER Within CASSIA County

T11S R28E S36	NESE
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Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. STOCKWATER, 250 RANGE CATTLE, VARIOUS WILDLIFE.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Decreed Date: 7/24/1998

1998 JUL 24 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
_____	)	Water Right 43-10565

NAME AND ADDRESS: DEPT OF LANDS
DEPT. OF LANDS
STATEHOUSE
BOISE, ID 83330

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/15/1954

POINT OF DIVERSION: T11S R28E S36 SWSENE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE Stockwater	PERIOD OF USE 01-01 TO 12-31	QUANTITY 0.04 CFS
-------------------------------	------------------------------	---------------------------------	----------------------

PLACE OF USE: Stockwater Within Cassia County
T11S R28E S36 NESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

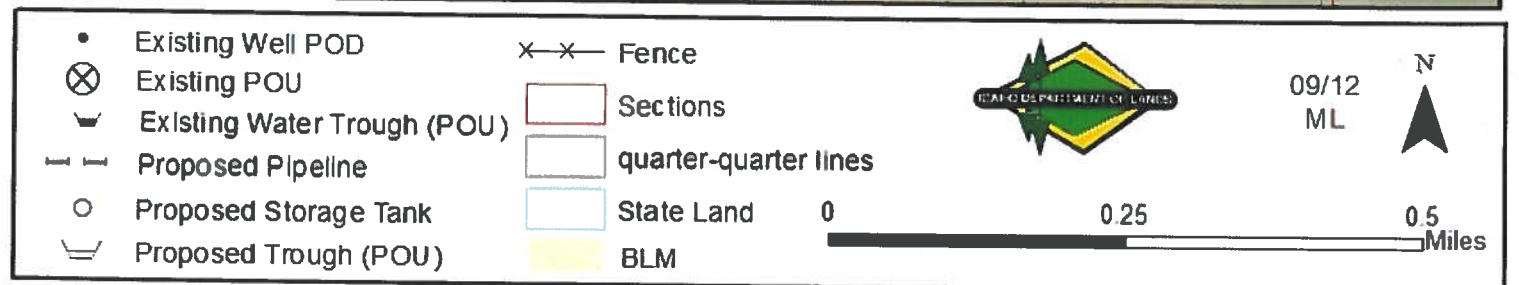
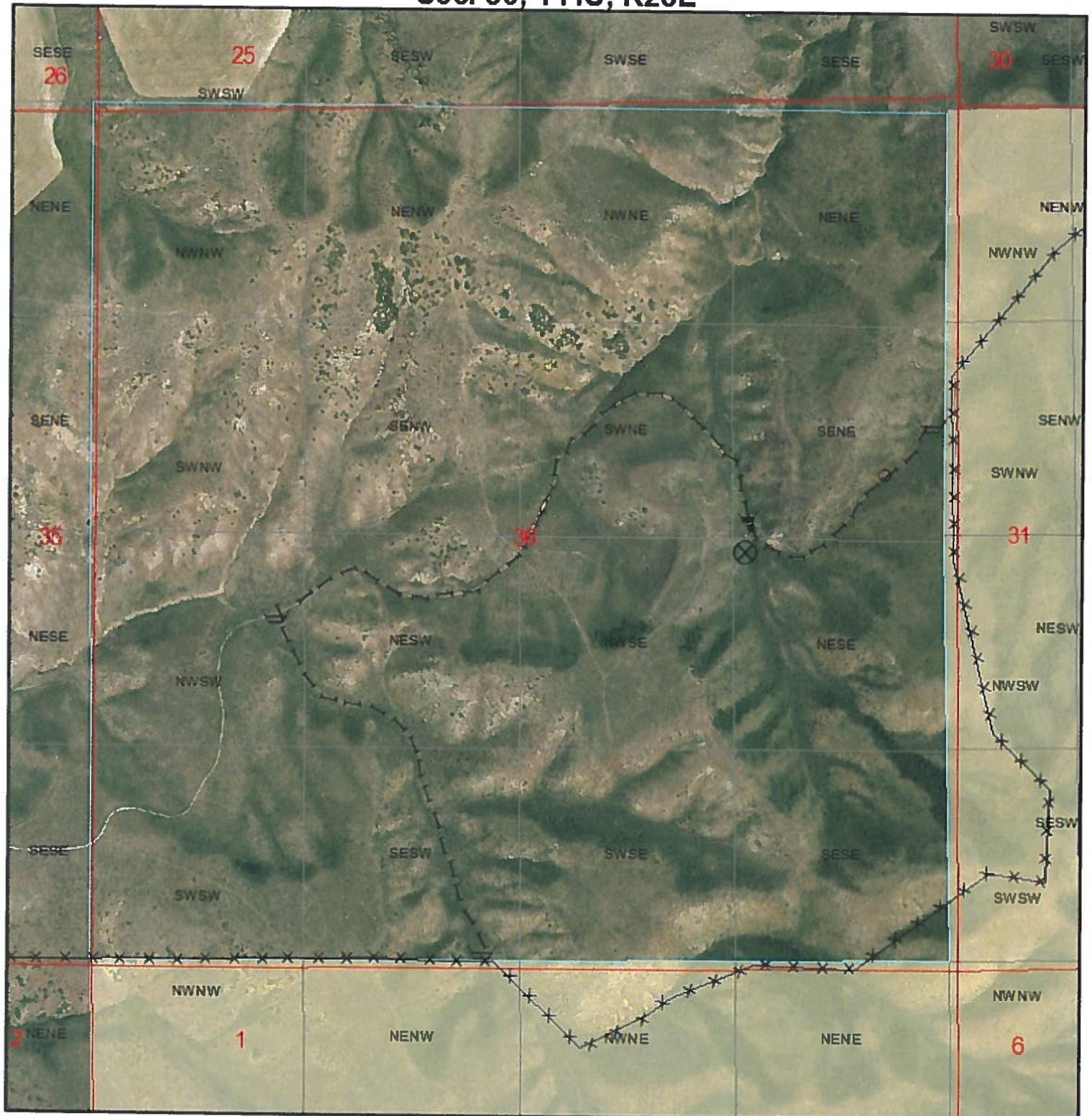
RULE 54(b) CERTIFICATE

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


Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication

Add'l Fee Paid	Date	Received by	Receipt #
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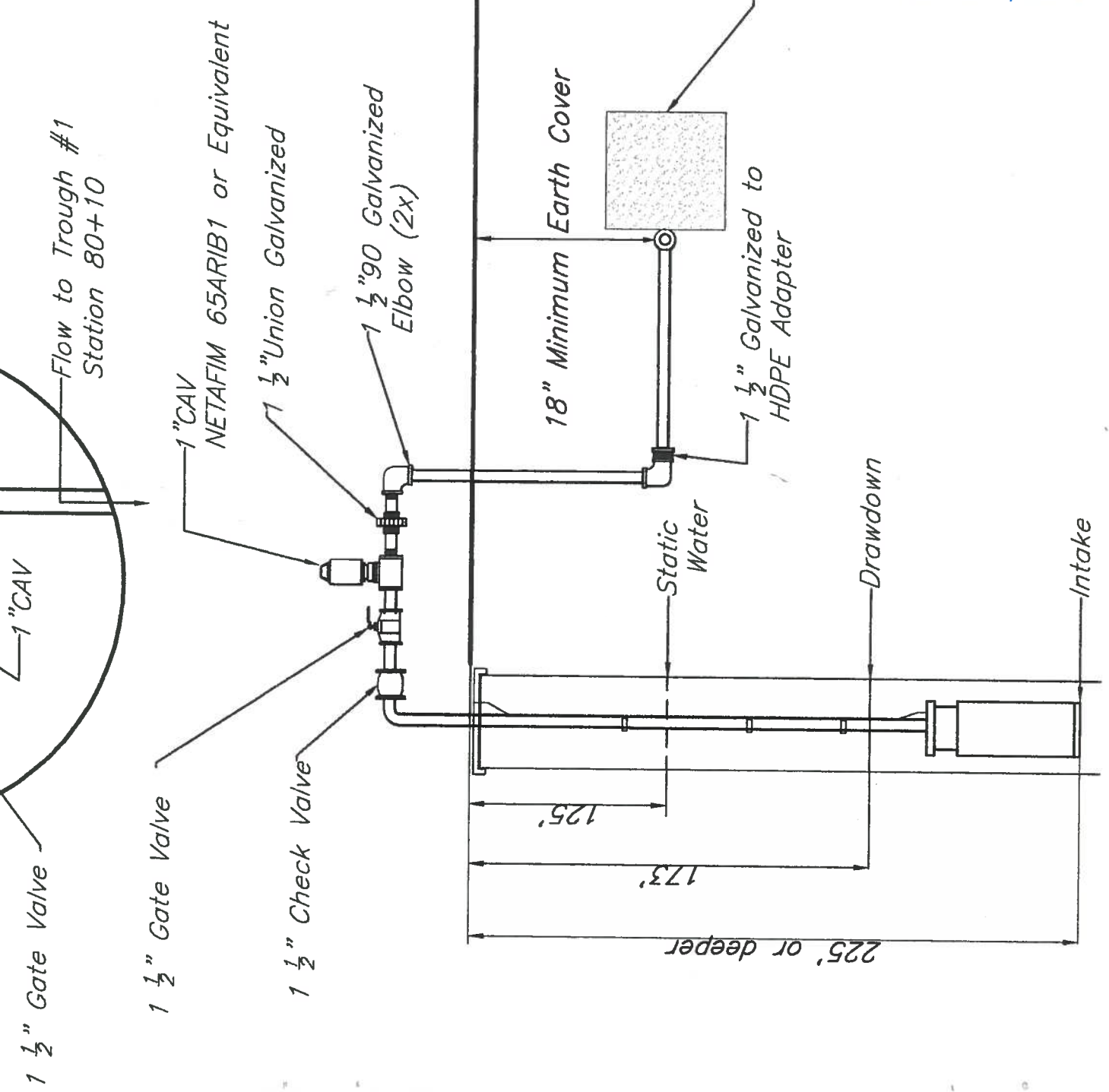
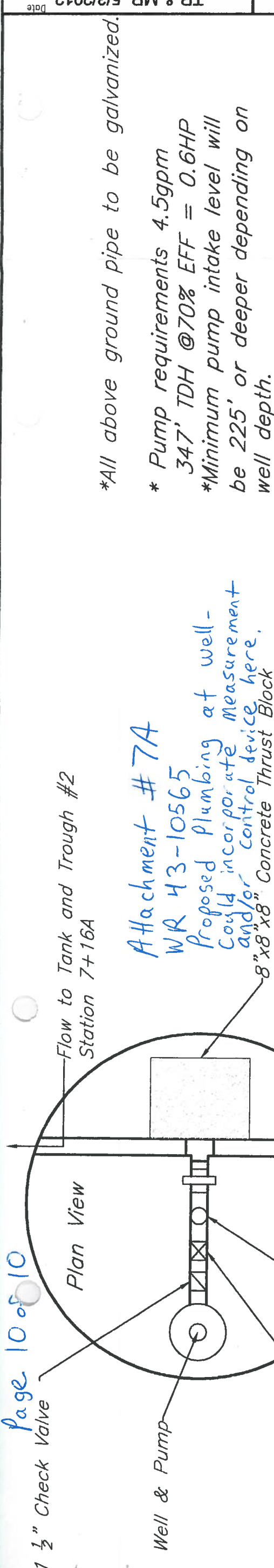
Attachment #7A
WR 43-10565
Sec. 36, T11S, R28E



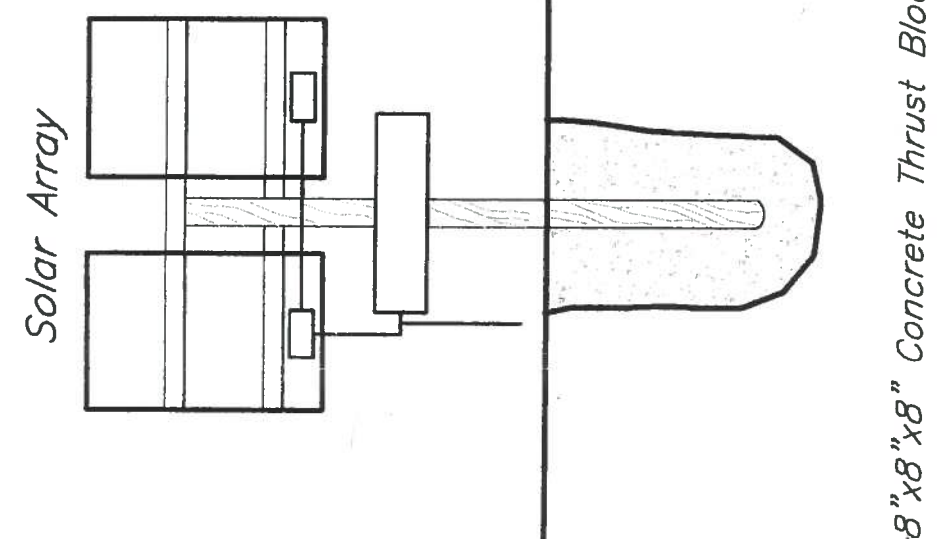
TRANSFER # 78291

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1 1/2" Check Valve
Well & Pump
1 1/2" Gate Valve
1" CAV
Flow to Tank and Trough #2
Station 7+16A
Attachment # 7A
WR 43-10565
Proposed Plumbing at well-
could incorporate measurement
and/or control device here.
8"x8"x8" Concrete Thrust Block
Flow to Trough #1
Station 80+10



- * All above ground pipe to be galvanized.
- * Pump requirements 4.5gpm 347' TDH @70% EFF = 0.6HP
- * Minimum pump intake level will be 225' or deeper depending on well depth.
- * Solar array shall be selected by producers dealer and submitted to NRCS for approval prior to installation.
- * Solar panels shall be mounted per manufactures recommendations.
- * Due to flow rate limitations in the well, the pump is designed to operate 12 hours per day. Maximum peak running hours as calculated by PVWatts is 6.5hrs per day, because of this limitation a auxiliary generator with auto-start capabilities will be required.



From:
Design Drawings and Specifications
for Don Johnson
Cattle Watering Facility
July 2, 2012
NRCS, Burley, Idaho

TRANSFER # 78291

MEMORANDUM

Date: December 19, 2012
To: Transfer 78291 File
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes correcting the current POU location of a ground water right for the diversion of 0.04 cfs for stockwater use located approximately 7.6 miles north and 12.4 miles east of the center of Malta. In addition the applicant proposes an upgrade of the stockwater system from a gravity flow system feeding troughs in one section to a pipeline system feeding multiple float equipped troughs out of a float equipped storage tank. This will require the addition of three more POU locations; note that one new POU location is in the same quarter, quarter as the existing POU location. The POD, stockwater use, number of cattle using the system, period of use, and diversion rate will remain the same. According to the application, the additions of floats, water storage tank, and additional troughs to the livestock water system will increase the reliability of the system, reduce energy cost, conserve water, increase grazing management flexibility, and improve livestock distribution. There is no change to the current POD and the changes to the POU proposed in the application correct the legal description of the current POU and add POU's to contiguous lands owned by the applicant. Therefore it is recommended no advertising process.

- **Authority to File:**
Applicant is listed as current owner on IDWR records.
- **Water Right Validity:**
Water right 43-10565 was decreed in SRBA in 1998 and has continued to be used.
- **Injury to Other Water Rights:**
None anticipated. No other rights affected.
- **Enlargement of Use:**
None anticipated. No enlargement of use through the transfer.
- **Local Public Interest:**
No impact anticipated. Recommend no advertising process.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses of water. Use is consistent with local practices.
- **Effect on Economy of the Local Area:**
Supports local economy.
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

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

Maline, Denise

From: Denice R. Backus [dbackus@idl.idaho.gov]
Sent: Thursday, November 01, 2012 4:48 PM
To: Maline, Denise
Subject: RE: Interagency Billing

Thanks so much. I'll attach this info to our paperwork.

Denice Backus
Idaho Department of Lands
208.324.2561

From: Maline, Denise [mailto:Denise.Maline@idwr.idaho.gov]
Sent: Thursday, November 01, 2012 4:30 PM
To: Denice R. Backus
Subject: Interagency Billing

Ms. Backus,

I just wanted to let you know that we received payment for Application for Transfer, Water Right No. 43-10565 ; in which you requested that Interagency billing be processed. The request was originally made to our Boise office, and they sent me a copy of the e-mail letting me know that it was being processed, because it will eventually come here to the Twin Falls office.

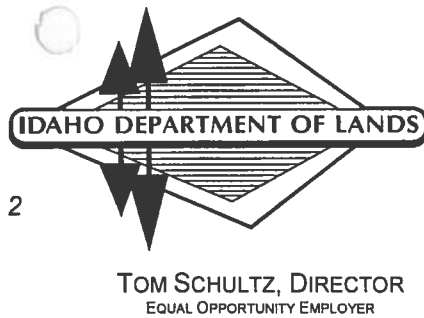
The receipt number is BILL0228.

If you have any questions – please feel free to contact me.

Sincerely,

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

**SOUTH CENTRAL
SUPERVISORY AREA**
324 South 417 East, Ste. 2
Jerome, ID 83338-6206
Phone (208) 324-2561
FAX (208) 324-2917



STATE BOARD OF LAND COMMISSIONERS
C.L. "Butch" Otter, Governor
Ben Ysursa, Secretary of State
Lawrence G. Wasden, Attorney General
Donna M. Jones, State Controller
Tom Luna, Sup't of Public Instruction

October 11, 2012

Idaho Department of Water Resources
1341 Fillmore St., Ste 200
Twin Falls, ID 83301-3380

RECEIVED

OCT 15 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

RE: Application for Transfer of Water Right – 43-10565

Dear IDWR,

Enclosed please find a completed transfer application for Water Right 43-10565 on State Endowment Land in Cassia County. We are working through the inter-agency account transfer process to pay the required \$200.00 application fee.

If you have any questions, please contact Tim Duffner or Meribeth Lomkin at 208-324-2561.

Sincerely,

MERIBETH LOMKIN,
Sr. Resource Specialist

Encl.