

RECEIVED

SEP 11 2012

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change

1. APPLICANT(S) DAVID RHODES Phone 208 523 8113
2. MAILING ADDRESS 2283 S 55th W City Idaho Falls Idaho
State Idaho Zip 83402 Email RHODES69@AOL.COM

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see [fee schedule](#).
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 75-14716 75-14718

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, Water Right Transfers, Step 1, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 0.09 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, Water Right Transfers, Online Resources.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
22N	22E	6	7	~~NE~~	NP	SW	LEMHI	WALLACE CREEK	Lower Wallace Creek Disch
22N	21E	1	6		NE	SE	Lemhi	WALLACE CREEK	

6. 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:

Lower Ditch installed metering device Sept 11-12

- b. Who owns the property at the point(s) of diversion? Forest Service Upper + Bill Maxwell
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. 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(s), or

☐☒

currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe _____

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

David Rhodes

Signature of applicant or authorized agent

DAVID RHODES

Print name and title if applicable

9-11-12

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by

M HOLL IDAY

Date

9/11/2012

Fee paid

\$200

Date

9/11/2012

Received by

SCOX

Receipt #

E037998

Preliminary review completed by

M HOLL IDAY

Date

10/9/2012

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 75-14716

WATER RIGHT NUMBER: 75-14716

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WILLIAM ROBERT MAXWELL PO BOX 256 CARMEN, ID 83462 (208)756-2616
Previous Owner	GERTRUDE I MAXWELL PO BOX 256 CARMEN, ID 83462 (208)756-2616
Current Owner	BRENDA RHOADES 2283 S 55TH W IDAHO FALLS, ID 83402 (208)523-8113
Current Owner	DAVID RHOADES 2283 S 55TH W IDAHO FALLS, ID 83402 (208)523-8113

Priority Date: 05/13/1898

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WALLACE CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

WALLACE CREEK	L7 (NW1/4SW1/4)	Sec. 6, Twp 22N, Rge 22E, B.M.
LEMHI County		

Place of UseIRRIGATION Within LEMHI County

T22N R22E S06 Lot 11 NESW 4.3

Total Acres: 4.3

Conditions of Approval:

1. This right is a split from former right 75-13985 .
2. P21 This right is a split from decreed right 75-83.
3. E55 Right Nos. 75-14716 and 75-14718 are limited to the irrigation of a combined total of 4.3 acres in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 75-14716

4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:Dates and Other Information:

Licensed Date:
Decreed Date: 4/12/2010
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: And
Water District Number:
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 3.5
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		4.3

Combined Water Rights: 75-14716 , 75-14718

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 75-14718

WATER RIGHT NUMBER: 75-14718

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WILLIAM ROBERT MAXWELL PO BOX 256 CARMEN, ID 83462 (208)756-2616
Previous Owner	GERTRUDE I MAXWELL PO BOX 256 CARMEN, ID 83462 (208)756-2616
Current Owner	BRENDA RHOADES 2283 S 55TH W IDAHO FALLS, ID 83402 (208)523-8113
Current Owner	DAVID RHOADES 2283 S 55TH W IDAHO FALLS, ID 83402 (208)523-8113

Priority Date: 06/01/1902

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WALLACE CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.050 CFS	
	<u>Total Diversion:</u>	0.050 CFS	

Location of Point(s) of Diversion

WALLACE CREEK	L7 (NW1/4SW1/4)	Sec. 6, Twp 22N, Rge 22E, B.M.
LEMHI County		

Place of UseIRRIGATION Within LEMHI County

T22N R22E S06 Lot 11 NESW 4.3

Total Acres: 4.3

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. This right is a split from former right 75-13987.
3. E55 Right Nos. 75-14716 and 75-14718 are limited to the irrigation of a combined total of 4.3 acres in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 75-14718

4. P21 This right is a split from decreed right 75-84.

Remarks:Dates and Other Information:

Licensed Date:
Decreed Date: 4/12/2010
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: And
Water District Number:
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 3.5
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		4.3

Combined Water Rights: 75-14716 , 75-14718

Water Supply Bank:

