

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

78105

RECEIVED

AUG 20 2012

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

DEPT. OF WATER RESOURCES

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

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

Yes N/A * Means the item is always required and must be included with the application.

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

AUG 20 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) Daniel G Ward &/or Karla Ward Phone 208-678-2458

Mailing address 227 E. 400 S. Burley, ID 83318 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Matthew Thompson Phone 208-731-8640

Mailing address 1993 Tamarack Loop, Twin Falls ID 83301 Email matt@agtec.us

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

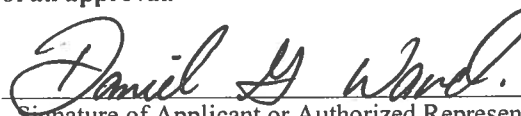
☒ Send original correspondence to the applicant and copies to the representative.

☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

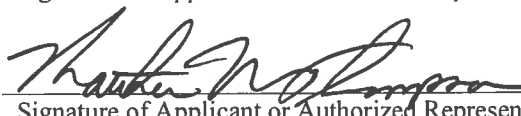
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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

Daniel G Ward - Owner
Print Name and Title if applicable

8/2/12
Date


Signature of Applicant or Authorized Representative

Matthew Thompson P.E.
Print Name and Title if applicable

8/2/12
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**. The applicant desires to modify the existing place of use to include previously dry corners with water from adjacent acres that will be taken out of use by a new feedlot. See water transfer # _____ for Dan Ward.

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 ☐ ☒	45-2469	4.04	Irrigation	3/15 to 11/15	Groundwater
☐ ☒	45-13521	0.00	Irrigation	3/15 to 11/15	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 4.04 cfs and/or 1105.6 ac-ft

2. Total amount of water proposed to be transferred or changed 0.13 cubic feet per second and/or 34.425 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	22e	21	39	39	40	38.1	40	39.1	19.6	40									294.8

Total Acres (for irrigation use) 294.8

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:

No changes to the current diversion system. The same POD will be utilized.

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

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: No Liens or deeds etc.

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 change will be minimal. A new feedlot is being constructed and the land utilized by this feedlot is being swapped for dry corners that will become the new POU for the developed parcel.

- 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:

The expansion rights POU will also be changed accordingly with the parent right.

- 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:

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Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/2/2012

WATER RIGHT NO. 45-2469

this water right will be modified by the companion water transfer and will not exactly reflect this printout.

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DANIEL G WARD
Current Owner	KARLA WARD
	227 E 400 S
	BURLEY, ID 83318
	(208) 678-2458
Original Owner	RODNEY L CROCKETT
	142 W 400 S
	BURLEY, ID 83318
	(208)678-2079

Priority Date: 12/11/1953
Basis: Decreed
Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	4.1 CFS	1140 AFA
Total Diversion			4.1 CFS	

Location of Point(s) of Diversion:

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GROUND WATER|SWSWNW|Sec. 21|Township 11S|Range 22E|CASSIA County

IRRIGATION Use:

Acre Limit: 285

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
11S	22E	21		NENE	39		NWNE	36		SWNE	40		SENE	34
				NENW	40		NWNW	37		SWNW	38		SENW	40

Total Acres: 304

Conditions of Approval:

1. E55 USE OF THIS RIGHT WITH RIGHT NO. 45-13521 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 304 ACRES IN A SINGLE IRRIGATION SEASON.
2. E60 USE OF THIS RIGHT WITH RIGHT NO. 45-13521 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.10 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1140 AF.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. K03 RIGHT NO. 45-13521 IS AN EXPANSION OF THIS RIGHT PURSUANT TO SECTION 42-1416B, IDAHO CODE.
5. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 285 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
6. 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.

Dates:

Licensed Date:

Decreed Date: 05/06/2005

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND/OR

Water District Number: 140

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 304

Combined Volume Limit: 1140

Combined Rate Limit: 4.1

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Total Acres (for irrigation use) 9.2

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Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/2/2012

WATER RIGHT NO. 45-13521

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DANIEL G WARD
Current Owner	KARLA WARD
	227 E 400 S
	BURLEY, ID 83318
	(208) 678-2458
Original Owner	BURLEY WEST INVESTMENTS LLC
	PO BOX 584
	RUPERT, ID 83350
	(208)552-7642

this water right will be modified by the companion water transfer and will not exactly reflect this printout.

Priority Date: 06/30/1985
Basis: Decreed
Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.26 CFS	
Total Diversion			0.26 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWSWNW|Sec. 21|Township 11S|Range 22E|CASSIA County

IRRIGATION Use:

Acre Limit: 19

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
11S	22E	21		NENE	39		NWNE	36		SWNE	40		SENE	34
				NENW	40		NWNW	37		SWNW	38		SENW	40

Total Acres: 304

Conditions of Approval:

1. E55 USE OF THIS RIGHT WITH RIGHT NO. 45-2469 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 304 ACRES IN A SINGLE IRRIGATION SEASON.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 19 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. K04 THIS RIGHT IS AN EXPANSION OF RIGHT NO. 45-2469 PURSUANT TO SECTION 42-1416B, IDAHO CODE.
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.
5. C18
6. E60 USE OF THIS RIGHT WITH RIGHT NO. 45-2469 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.10 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1140 AF.

Dates:

Licensed Date:

Decreed Date: 05/13/2005

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector: AND/OR

Water District Number: 140

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 304

Combined Volume Limit: 1140

Combined Rate Limit: 4.1

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

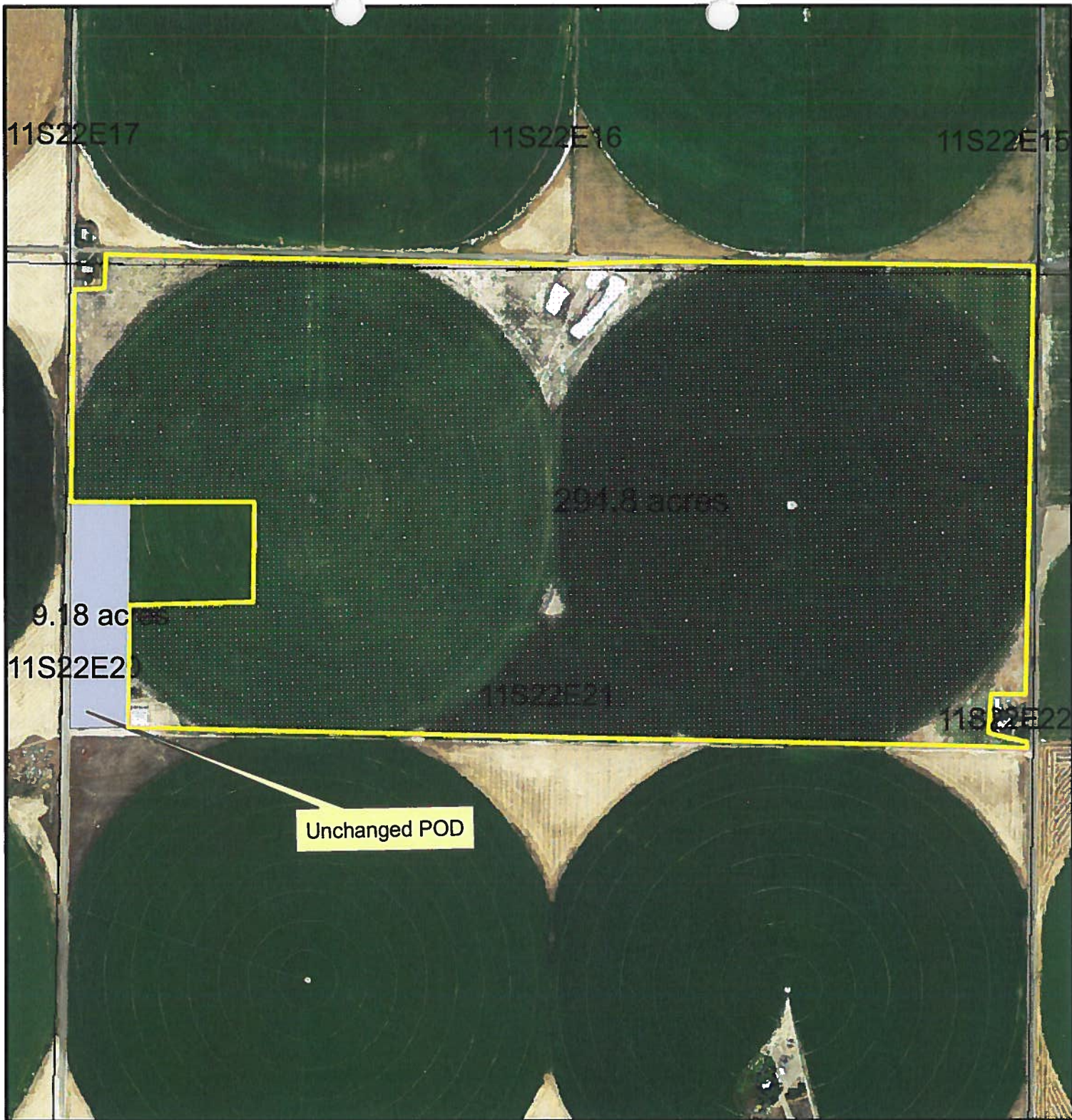
DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Total Acres (for irrigation use) 9.2



Map #7a & 7b

Legend

- Old POU
- NEW POU
- pls

TRANSFER 78105



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 30, 2012

BRIAN HIGGS
WATER DISTRICT #140
355 W 500 S
BURLEY, ID 83318

RE: Transfer No. 78100
Water Right No(s): 45-14422, 45-14424

RE: Transfer No. 78105
Water Right No(s): 45-14423, 45-14425

Dear Mr. Higgs:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

MEMORANDUM

Date: August 24, 2012
To: Transfer 78105 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application proposes changing the place of use of portions of irrigation water rights 45-2469 and 45-13521. Note that right 45-13521 is an expansion of right 45-2469. Also note that the portions of irrigation rights 45-2469 and 45-13521 not subject to this transfer are subject to a companion transfer (# 78100) that proposes a new feedlot. In order to process both transfers simultaneously, rights 45-2469 and 45-13521 were split up front into rights 45-14422 & 45-14423 and 45-14424 & 45-14425 respectively. Note that the diversion rates were purposely split disproportionately to reflect the amounts listed on the transfer (smaller rate moving to feedlot and conserving rate for irrigation use). New rights 45-14423 and 45-14425 are the portions involved with this particular transfer to rearrange the irrigation place of use. The irrigation well is located within the ESPA smooth model boundary, the Oakley Kenyon CGWA, and Water District 140. However, there is no change in point of diversion proposed by this transfer so a groundwater model analysis is not required. Because the transfer only proposes a rearranging of acres within tracts listed on the place of use for the rights involved with the transfer, no hydrologic impact is anticipated. It is recommended that this transfer be processed without any public notice advertising.

- **Authority to File:** The applicants (Dainel G &/or Karla Ward) are listed as the current owners of both of the rights involved with the transfer.
- **Water Right Validity:** The rights involved with the transfer were decreed in the SRBA in May of 2005. Review of aerial photography supports the recent use of the water rights involved with the transfer. Possible forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:** None anticipated.
- **Enlargement of Use:** No issues anticipated if appropriate conditions are implemented.
- **Local Public Interest:** No negative issues anticipated.
- **Beneficial Use/Conservation of Water Resources:** No negative issues anticipated. Proposed use is recognized as a beneficial use of water. It appears that sprinklers are utilized as part of the irrigation system.

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.

RECEIVED
AUG 20 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

August 17, 2012

Corey Skinner
Water Resource Agent
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Dear: Mr. Skinner,

Attached is a water transfer for Dan Ward to change the place of use (POU) for two water rights. The property is T11S R22E SW1/4NW1/4 section 21. There are two water rights associated with this property a primary right # 45-2469 and expansion right #45-13521. As with most expansion rights there is no additional flow or volume associated with this right. This application is being made in conjunction with a water transfer that will change the nature of use from irrigation to stock and commercial use for a small portion of the right. After that companion transfer the water rights will resemble the table below.

Right #	Total Acres	CFS	AcFt
45-2469	276.39	4.04	1105.6
45-13521	18.43	0	0
Stock/comm.	0	0.06	26.3
Totals	294.82	4.10	1131.9

The application proposes to remove 9.18 acres of each of the irrigation rights #45-2469 and right #45-13521. These acres will be replaced by underdeveloped corners on the property as shown in Attachment 7a & 7b. Since this change is to just a portion of the water right, the proportional volume and rate of this application is 0.13 cfs and 34.425 AF.

Any questions or comments can be directed to me at the numbers above.

Sincerely,



Matthew W Thompson, PE
Owner, AgTec

Attached:

Water transfer application POU change for Dan &/or Karla Ward