

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77998

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

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

Yes N/A * Means the item is 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: _____

RECEIVED

JUN 21 2012

WATER RESOURCES
WESTERN REGION

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WATER RESOURCES
WESTERN REGION

SOUTH ELMORE IRRIGATION CO.

PRO-RATED FEE FOR APPLICATION FOR TRANSFER

Current rights for 131.14 cfs include 258 $\frac{1}{4}$'s in total service area.

Expected fee if based on entire 131.14 cfs in water right = \$6460.

Pro-rated fee based on:

new $\frac{1}{4}$'s to add to service area

$$\frac{18 \text{ new } \frac{1}{4}'\text{s}}{258 \frac{1}{4}'\text{s}} \times 131.14 \text{ cfs} = 9.15 \text{ cfs affected by change}$$

PRO-RATA FEE BASED ON 9.15 cfs affected by change

Filing Fee for 9.15 cfs = \$1220

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77998

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) South Elmore Irrigation Co. Phone 208-587-2789

Mailing address PO Box 396, Mountain Home, ID 83647 Email _____

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

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

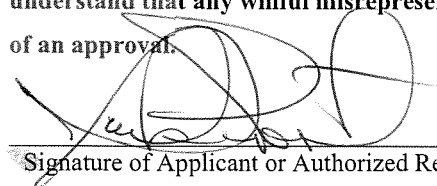
- No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- Send all correspondence for this application to the representative and not to the applicant.
- OR
- Send original correspondence to the applicant and copies to the representative.
- The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4.**

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Jack Post, President
Print Name and Title if applicable

6-19-12
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.** To correct the legal description of the service boundary to match historical and current delivery, creating a permissible place of use for all rights held by company.

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 <input checked="" type="checkbox"/> <input type="checkbox"/> | <u>2-2367</u> | <u>9.72 cfs</u> | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> | <u>Snake River</u> |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | <u>2-2269</u> | <u>87.11 cfs</u> | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> | <u>Snake River</u> |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | <u>2-2210</u> | <u>17.9 cfs</u> | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> | <u>Snake River</u> |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | <u>2-2345</u> | <u>5.44 cfs</u> | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> | <u>Snake River</u> |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | <u>2-7255</u> | <u>19.2 cfs</u> | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> | <u>Snake River</u> |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | <u>2-7263</u> | <u>12.0 cfs</u> | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> | <u>Snake River</u> |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | <u>2-7317</u> | <u>9.3 cfs</u> | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> | <u>Snake River</u> |
| <input type="checkbox"/> <input type="checkbox"/> | | | | to | |
| <input type="checkbox"/> <input type="checkbox"/> | | | | to | |

Total authorized under rights 131.14 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 131.14 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

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

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

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 | | |
| SEE ATTACHED LAND LIST | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |

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: _____

b. Who owns the property at the point(s) of diversion? _____
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 - water delivery organization

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:
No effect; lands shown for place of use under transfer application are lands historically and currently served by the applicant

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:

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

- | Yes | No | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | undergone a period of five or more consecutive years of non-use, |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently leased to the Water Supply Bank, |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

Conditions of Approval:

1. T04 Approval of Transfer No 4881 in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
2. 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.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. E52 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 131.14 CFS. COMBINED RIGHT NOS.: 2-2210, 2-2269, 2-2345, 2-2367, 2-7255, 2-7263, & 2-7317.
5. E51 USE OF THIS RIGHT WITH RIGHT NO. 2-2367 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 87.11 CFS.
6. U42 Place of use does not include federal public lands.
7. S40 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
8. T08 Failure of the right holder to comply with the conditions of Transfer No. 4881 is cause for the Director to rescind approval of the transfer.
9. R19 The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
10. 028 After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.

Dates and Other Information:

Decreed Date: 4/8/2008

Combined Use Limits:

| <u>Rate</u> | <u>Volume</u> | <u>Acres</u> |
|--|---------------|--------------|
| 87.11 | | |
| Combined Water Rights: 2-2269 , 2-2367 | | |

| <u>Rate</u> | <u>Volume</u> | <u>Acres</u> |
|---|---------------|--------------|
| 131.14 | | |
| Combined Water Rights: 2-7317 , 2-7255 , 2-2210 , 2-2269 , 2-2367 , 2-2345 , 2-7263 | | |

- 7. 028 After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
- 8. E52 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 131.14 CFS. COMBINED RIGHT NOS.: 2-2210, 2-2269, 2-2345, 2-2367, 2-7255, 2-7263, & 2-7317.
- 9. 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 and Other Information:

Decreed Date: 6/15/2009

Combined Use Limits:

Rate Volume Acres

87.11

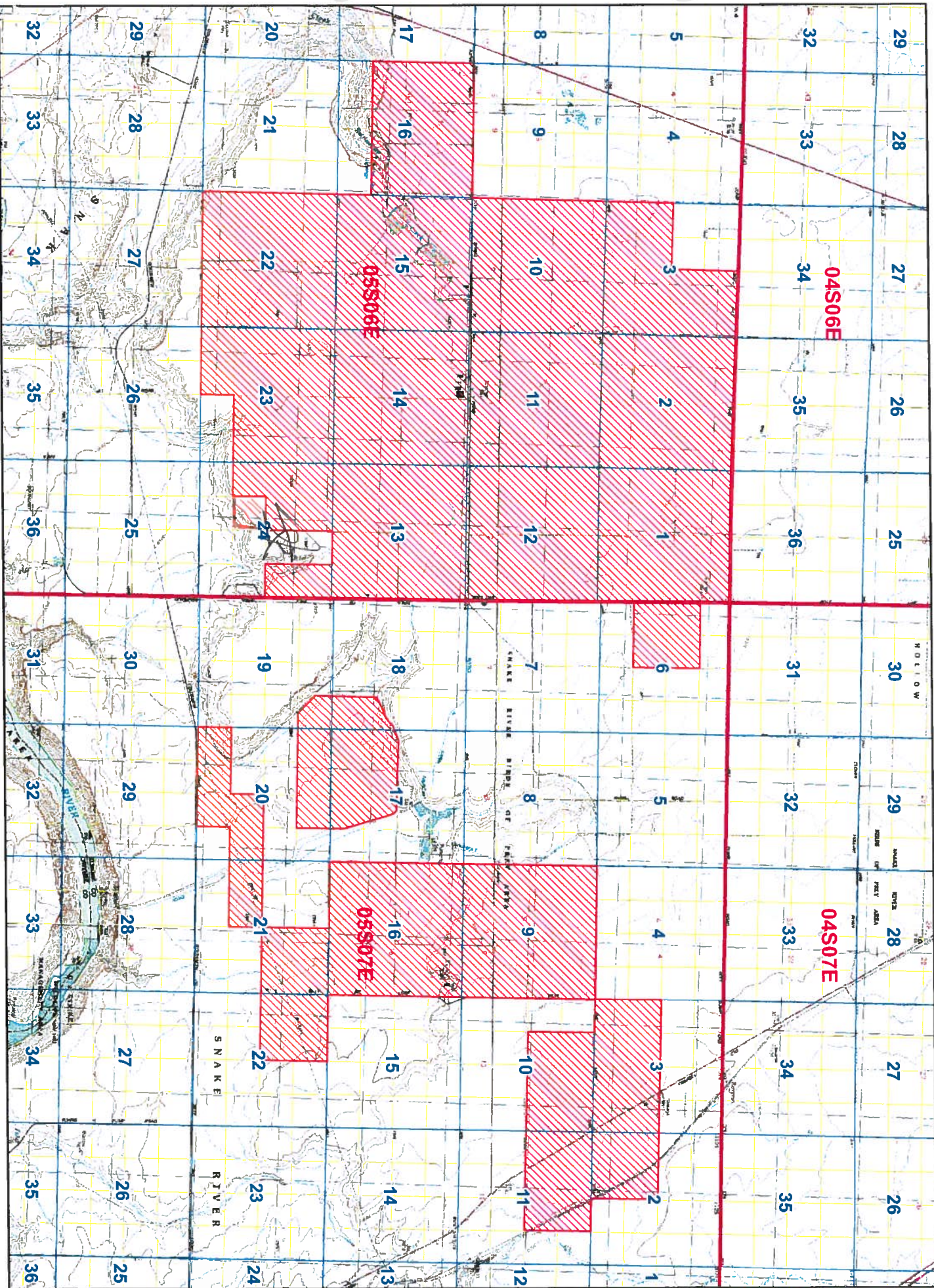
Combined Water Rights: 2-2269 , 2-2367

Rate Volume Acres

131.14

Combined Water Rights: 2-7317 , 2-7255 , 2-2210 , 2-2269 , 2-2367 , 2-2345 , 2-7263

South Elmore Irr. Co. Boundary



Place of Use as Currently Described

