

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78044**RECEIVED****MAY 31 2012**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) Ron Bair and Janiece BairDepartment of Water Resources
Phone (208) 882-4149
Eastern RegionMailing address 3969 W 4100 N Mackay, ID 83251Email pabair@gmail.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 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.

Ronald H Bair
Signature of Applicant or Authorized Representative

Ronald H Bair
Print Name and Title if applicable

5-29-12
Date

Janiece R Bair
Signature of Applicant or Authorized Representative

Janiece R. Bair
Print Name and Title if applicable

5/29/12
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**. This application proposes to change the point of diversion of all the rights, update the place of use for all rights and change the nature of use of 34-14259 to a pond for recreational use.

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.

I.		Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use		Source & Tributary
All or Part							
☒	☐	34-14259	1.00 ac-ft	Recreation Storage	01/01	to 12/31	Big Lost River
☐	☐		1.00 ac-ft	aesthetic Storage	01/01	to 12/31	Big Lost River
☐	☐		.02 cfs	Diversion to Storage	05/01	to 10/15	Big Lost River
☐	☐		.10 cfs	Irrigation	05/01	to 10/15	Big Lost River
☒	☐	34-14263	.45 cfs	Irrigation	05/01	to 10/15	Big Lost River
☒	☐	34-14261	.42 cfs	Irrigation	05/01	to 10/15	Big Lost River
☐	☐					to	
☐	☐					to	
☐	☐					to	

Total authorized under rights .99 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed .99 cubic feet per second and/or 1.00 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 #
Yes		NE	SE	NE	8	06N	25E	CUSTER	BIG LOST	INJECTION
Yes		SE	SE	NW	9	06N	25E	CUSTER	SPRING CREEK/BIG LOST	REDIVERSION

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	
06N	25E	09			20					5						.7			25.7
06N	25E	09			R/A														

Total Acres (for irrigation use) 25.7

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:

A headgate diversion to the pond, then a pump out of the pond to a mainline and sprinklers.

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

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:

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:

Acres will be dried up to cover the evaporation and storage requirements of the pond.

- 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:

None

- 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:

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

Current Water Right No.: 34-14261

Current Owner: RON BAIR
JANIECE BAIR
Priority Date: 5/26/1904
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

BIG LOST RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01 to 10/15	0.42 CFS	
	<u>Total Diversion</u>	0.42 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER
CUSTER County

SW1/4NE1/4SE1/4 Sec. 6, Twp 06N, Rge 25E B.M.

Place of Use

IRRIGATION Within CUSTER County

T06N R25E S9	SWNE	16.10	T06N R25E S9	NENW	4.10
T06N R25E S9	SENE	6.50			
Total Acres: 26.7					

Conditions of Approval:

1. 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.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. Water delivered through the Sutter Ditch.
4. X35 Rights 34-14259, 34-14261 and 34-14263 when combined shall not exceed a total diversion rate of 0.99 cfs and the irrigation of 26.7 acres.
5. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.

Decreed Date: 12/14/2001

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

Current Water Right No.: 34-14263

Current Owner: JANIECE BAIR
RON BAIR

Priority Date: 6/1/1900

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

BIG LOST RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01 to 10/15	0.45 CFS	
	<u>Total Diversion</u>	0.45 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER SW1/4NE1/4SE1/4 Sec. 6, Twp 06N, Rge 25E B.M.
CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T06N R25E S9	SWNE	16.10	T06N R25E S9	NENW	4.10
T06N R25E S9	SENE	6.50			

Total Acres: 26.7

Conditions of Approval:

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4. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
5. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
6. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

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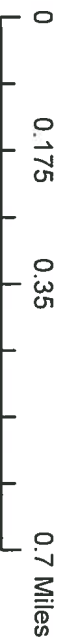
Ron Bair

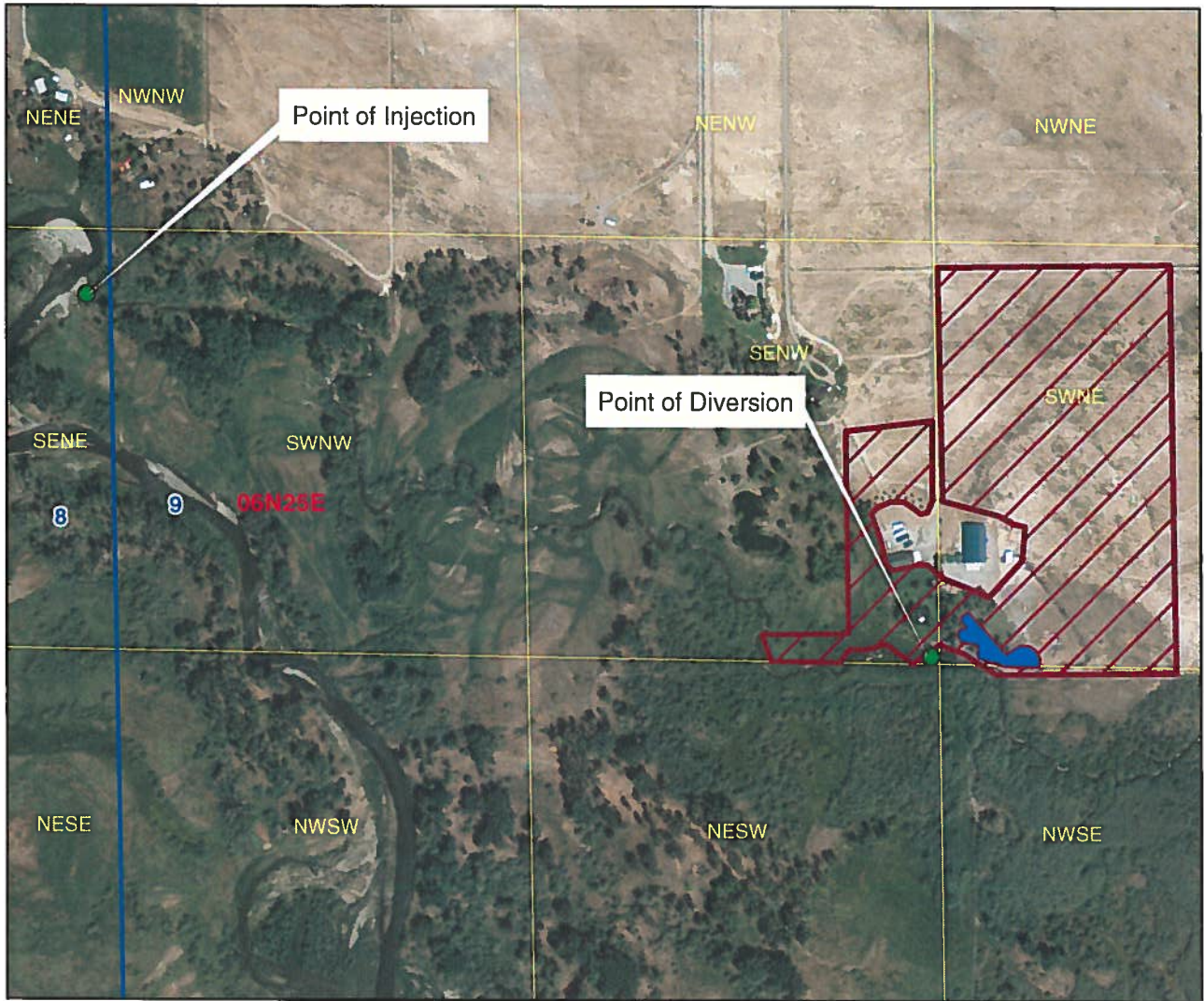
34-14263

Township/Range

Sections

QQ

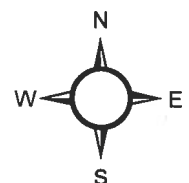




Ron and Janiece Bair

- Pond
- New Place of Use
- Township/Range
- Sections
- QQ

0 0.05 0.1 0.2 Miles



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WATER RIGHTS

Part 1A.2.

Ronald Bair

May 29, 2012

In 2004 we purchased the land on which we are living from Wendell Tew. The water rights at that time were from Sutter Ditch. The water rights were not used for several years. In the past Mr. Tew farmed the area, but since that time the property has been sold to many individuals for homesteads. Sutter ditch was no longer needed, and consequently the ditch has become defunct. The rights were transferred from Wendell Tew to our name in 2011.

We want to change the point of diversion to Spring Creek which runs through our property and which is easily accessible for water usage. We desire the diversion to Spring Creek for the following reasons:

1. Planting of trees, especially fruit trees, and grass
2. For fishing and recreation in the creek
3. Beautification of the creek and pond area
4. Usage and protection of wildlife
5. Change of nature for use of pond for recreation, fish, water fowl and other animals

Wendell Tew
3939 US Hwy 93
Mackay, ID. 83251

May 29, 2012

Letter of Agreement

Agreement between Wendell Tew and Ronald and Janiece Bair.

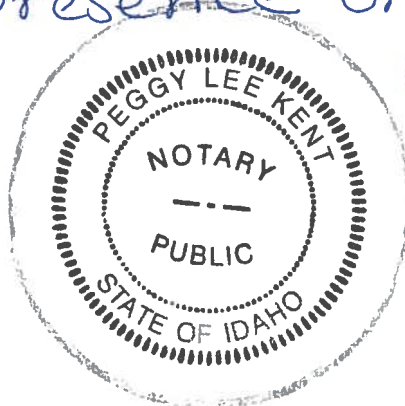
I agree to the Transfer of Water Rights through the Sutter Ditch to Spring Creek as per Application for Transfer of Water Right dated May 29 2012. Water Right No. 34-14259, No. 34-14261, No. 34-14263. I hold a contract on property that these water rights are used with Ronald and Janiece Bair.

Signed:

Wendell Tew

5-29-12

*Wendell Tew signed this document
in my presence on MAY 29, 2012.*



Peggy Lee Kent
comm exp 4-25-2017

PRECIPITATION DEFICIT CALCULATION FOR PONDS

mm/foot

MM/DAY

0.00328084

MONTHLY

	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL MM	TOTAL FEET	Pond Size AF needed
	0	0.12	0.72	1.7	2.26	2.72	3.44	3.16	2.25	1.1	0.06	0			
Surface Area in ACRES	0	3.36	22.32	51	70.06	81.6	106.6	97.96	67.5	34.1	1.86	0	536.4	1.8	0.17
MM/Day	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17		Total evaporate AF	0.299173
	0	0.57	3.7944	8.67	11.91	13.9	18.13	16.65	11.5	5.8	0.32	0	91.188	0.299173229	

acres needed
Evap 0.14

Pond size W in ft L in ft sq ft Acres
50 150 = 7500 0.17

Total AF for Pond 0.98

DAYS

28 Feb 30 June 31 Nov
31 March 31 July 31 Dec
30 April 31 August
31 May 30 Sept 31 Oct

Crop Type = Grass Pasture (low management)
CIR AF/ACRE 2.15

Pond Size ACRES 0.17
AVERAGE depth in FEET 4
AF NEEDED TO FILL POND 0.68

Data Entry in Green

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ET_{Idaho} 2009: Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for improving this site to robison@kimerly.uidaho.edu Copyright 2010, University of Idaho.

Mackay Ranger Stn (NWS --105462) Statistics based on thirty

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Open water - shallow systems (ponds, streams)															
Precipitation Deficit (Click here for a graph)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean	mm/day												mm		
Monthly ^c	0.42	0.12	0.72	1.70	2.26	2.72	3.44	3.16	2.25	1.10	0.06	0.44	510	0	510
15-Day Moving Average ^d	0.50	0.08	0.75	1.78	2.16	2.80	3.55	3.09	2.22	1.15	0.06	0.41			
7-Day Moving Average ^e	0.47	0.07	0.73	1.74	2.22	2.71	3.43	3.14	2.23	1.12	0.06	0.40			
3-Day Moving Average ^f	0.43	0.11	0.72	1.72	2.26	2.69	3.44	3.17	2.23	1.10	0.07	0.43			
Standard Deviation	mm/day												mm		
Monthly	1.19	0.50	0.94	0.61	1.46	0.85	1.24	1.18	0.56	0.62	0.41	0.82	85	0	85
15-Day Moving Average	1.27	0.66	0.81	0.78	1.34	1.13	1.13	1.19	0.76	0.62	0.51	0.76			
7-Day Moving Average	1.49	1.02	1.04	1.07	1.75	1.83	1.74	1.54	1.00	0.90	0.71	1.08			
3-Day Moving Average	1.93	1.39	1.49	1.47	2.33	2.66	2.40	1.96	1.41	1.25	1.06	1.51			
20% Exceedance	mm/day												mm		
Monthly	0.08	0.44	1.15	2.14	2.86	3.51	4.33	3.81	2.65	1.45	0.38	0.07	581	0	581
15-Day Moving Average	0.38	0.67	1.57	2.72	3.88	4.34	4.71	4.18	3.06	1.92	0.69	0.32			
7-Day Moving Average	0.47	0.88	1.98	3.27	4.36	4.77	5.04	4.58	3.40	2.21	0.94	0.46			
3-Day Moving Average	0.58	1.10	2.28	3.74	4.70	5.26	5.29	4.76	3.68	2.39	1.09	0.53			

ET_{Idaho} 2009: Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for improving this site to robison at kimberly dot uidaho dot edu Copyright 2010, University of Idaho.

Mackay Ranger Stn (NWS --105462) Statistics based on thirty

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Grass Pasture - low management														
Precipitation Deficit (Click here for a graph)														
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b
Mean	mm/day												mm	
Monthly ^c	0.03	0.01	0.03	0.22	1.68	3.36	4.28	3.78	2.20	0.24	0.18	0.21	483	-11
15-Day Moving Average ^d	0.02	0.01	0.02	0.18	1.60	3.46	4.35	3.71	2.17	0.24	0.14	0.21		
7-Day Moving Average ^e	0.03	0.00	0.02	0.19	1.63	3.39	4.29	3.77	2.17	0.24	0.16	0.21		
3-Day Moving Average ^f	0.03	0.01	0.04	0.22	1.66	3.36	4.29	3.78	2.19	0.23	0.17	0.21		
Standard Deviation	mm/day												mm	
Monthly	0.13	0.10	0.24	0.48	1.42	0.82	0.91	0.87	0.72	0.61	0.21	0.35	70	12
15-Day Moving Average	0.11	0.14	0.23	0.47	1.26	1.09	0.88	1.01	0.95	0.57	0.26	0.39		
7-Day Moving Average	0.20	0.20	0.33	0.60	1.59	1.64	1.27	1.32	1.25	0.76	0.41	0.56		
3-Day Moving Average	0.33	0.31	0.54	0.80	2.12	2.43	1.85	1.73	1.71	1.08	0.66	0.79		
20% Exceedance	mm/day												mm	
Monthly	0.02	0.08	0.12	0.32	2.66	3.95	4.84	4.29	2.78	0.54	0.02	0.01	533	0
15-Day Moving Average	0.10	0.15	0.28	0.70	3.51	4.86	5.35	4.77	3.25	0.94	0.12	0.08		
7-Day Moving Average	0.18	0.23	0.43	1.17	4.30	5.36	5.71	5.25	3.93	1.91	0.21	0.16		
3-Day Moving														

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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: _____