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MAR 15 2012

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

77817

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: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77817

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) MICHAEL JAMES &/OR RHONDA JAMES Phone (208) 834-2925

Mailing address 21610 ROBINSON RA OREANA ID 83650 Email rjjames.5024@yahoo.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**.

AMENDED

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.

Michael James
Signature of Applicant or Authorized Representative

Michael James, mgr.
Print Name and Title if applicable

3-13-2012
Date

Rhonda James
Signature of Applicant or Authorized Representative

Rhonda James
Print Name and Title if applicable

3-13-2012
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.

MODIFY THE PLACE OF USE FOR WATER RIGHT
2-2259 TO REFLECT CURRENT IRRIGATION PRACTICE.
14.6 ACRES BEING SHIFTED.

RJ
3-29-12 1 CORRECT ERROR IN PT. OF DIVERSION DESCRIPTION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER RESOURCES
WESTERN REGION

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 ☒ ☐	2-2259	5.14 CFS/ 1285 AF	IRRIGATION	4/1 to 10/31	SNAKE/COLUMBIA RIVER
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 5.14 cfs and/or 1285 ac-ft

2. Total amount of water proposed to be transferred or changed 0.29 cubic feet per second and/or 73 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	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
N	4		SE	NE	8	45	2E	Owyhee	Snake River	

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 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	
045	02E	17			35.2	6.6	36.6	25	39.2	39.4									182
045	02E	18	36			39													75

Total Acres (for irrigation use) 257

* AMOUNTS TO BE TRANSFERRED BASED ON
14.6 ACRES OF THE TOTAL 257 ACRES OF
THE RIGHT BEING TRANSFERRED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER RESOURCES
WESTERN REGION

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: Pumping out of Snake River

to pipe. No measuring device required now. Will
accommodate if needed in the future.

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Have BLM right of way.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? NO

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:

14.6 ACRES IN THE SENE OF SEC 17 T4S R2E ARE NOT IRRIGATED
AND THOSE ACRES ARE BEING TRANSFERRED TO COVER GROUND
NOT CURRENTLY COVERED BY A WATER RIGHT.

- 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

- ☐ ☒ 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: 2-2259 IS FULLY LEASED TO THE BANK. 115.5 ACRES
HAVE BEEN RENTED BY DERUYTER PROPERTIES FROM 2012 TO
2016. 141.5 ACRES REMAIN AVAILABLE.

Water Right Report 2-2259

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RHONDA J JAMES 21610 ROBINSON RD OREANA, ID 83650 208-834-2926
Original Owner	ROBERT L PULLEN JR PO BOX 451 GRAND VIEW, ID 83624
Original Owner	REX G STEINER HC 89 BOX 2165 OREANA, ID 83650 (208)834-2390
Original Owner	PETROLEUM CONSTRUCTION INC C/O RUSSELL FOX PO BOX 592 SANTA PAULA, CA 93060 (805)525-2144
Previous Owner	HILL WAY INC 3895 GIRDNER LN MERIDIAN, ID 83642 (208)362-3339
Current Owner	MICHAEL L JAMES 21610 ROBINSON RD OREANA, ID 83650 208-834-2925

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

Location of Point(s) of Diversion

SNAKE RIVER NE1/4NE1/4 Sec. 8, Twp 04S, Rge 02E, B.M.

OWYHEE County

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 2-2259

04S 02E 18	36.0	39.0				75.0
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Total Acres: 257

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. S46 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Remarks:Comments:Dates and Other Information:

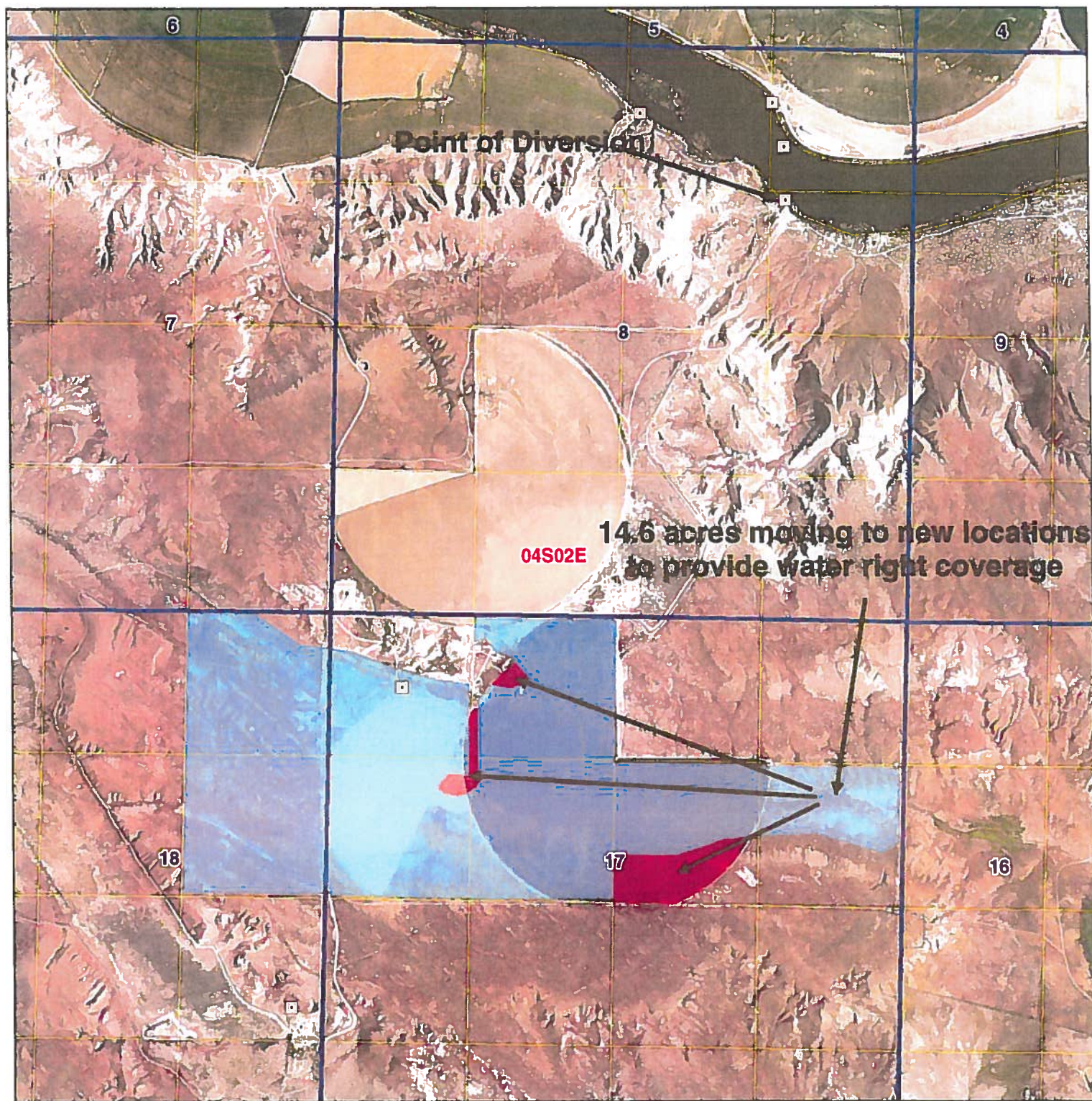
Licensed Date:
 Decreed Date: 6/15/2009
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

Lessor Name: MICHAEL L JAMES
 Lease Status: Active
 Lease Amount: Part
 Rental Availability: None
 Date Received: 4/28/2003
 Lease Begin Date: 4/28/2003
 Expiration Date:

Total Acres (for irrigation use)

Attachments 7a & 7b



Legend

- Water Right POD
- new_coverage
- 2_2259
- Township/Range
- Sections
- QQ



2011 aerial imagery

0 0.25 0.5 1 Miles

MEMORANDUM

TO: Files

FROM: Steve Lester 

DATE: March 30, 2012

RE: Records Correction: 2-2261A, 2-2261C, 2-2261D

A Snake River diversion is shared by 7 rights. All but one are owned by Michael/Rhonda James.

The diversion is on the south side of the river in Government Lot 4, close to a QQ line. The diversion is in SENE, not NENE. The POD shapes for all these rights are identical. The shape is consistent with the pump station labeled on the topo quad.

The government lot was correctly included in all but 1 of the rights. All the rights had or have the incorrect QQ indicator. Three rights were previously corrected; see 8/18/2009 database comment in 2-10399, 2-10421 and 2-10423. That correction was allowable since the POD element of the rights is the government lot, and the QQ indicator is a department convenience instead of an "official element."

Four remaining rights incorrectly list NENE and can be fixed as follows:

- 2-2259 does not list the lot, and is being corrected by Transfer 77817. The transfer application was filed to correct the POU and was amended to update the POD.
- 2-2261A, 2-2261C, 2-2261D are being fixed in the same way that the 3 correct records were handled.

This document is filed in Transfer 77817 and referenced in database comments for the other 3 rights that need to be corrected.