

RECEIVED
JAN 19 2012
WATER RESOURCES
EASTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77714

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: Maps showing current areas being irrigated in Scout Park and North Park.

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WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77714

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Idaho Power

Phone (208) 388-2905

Mailing address c/p Jon Bowling PO Box 70 Boise, ID 83707

Email waterrights@idahopower.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.


Signature of Applicant or Authorized Representative

JAMES C. TUCKER Attorney
Print Name and Title if applicable

1/3/12
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 Create a Permissible Place of Use
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 transfer is to create two common points of diversion and a common permissible place of use of 20.3 acres for two water rights used to irrigated Scout Park and North Park at Idaho Power's C. J. Strike facility.
This new PPU would be limited to an annual irrigation not to exceed the 12 acre limit of the original rights.

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					
☒ ☐	2-39	0.14	Irrigation	3/15 to 10/31	Snake River / Columbia River
☒ ☐	2-40	0.15	Irrigation	3/01 to 11/15	Snake River / Columbia River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.29 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 0.29 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 #
y	4	NE	SW	NW	34	5S	4E	Elmore	Snake River	
y	10		NW	SW	34	5S	4E	Owhyee	Snake River	

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	
5S	4E*	34					5.2	7.7	2.7			2.3							17.9
5S	4W	33				0.8									1.6				2.4
	4E*																		

*per e-mail 3/21/2012

Total Acres (for irrigation use) 20.3

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: _____
Water is diverted from the Snake River with pumps at two points at the C.J. Strike Dam. These are existing points of diversion and Idaho Power will provide any measuring devices or lockouts as required by IDWR.
- b. Who owns the property at the point(s) of diversion? Idaho Power
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:
The company is currently watering 3.8 acres in Scout Park and approximately 6.7 acres in North Park. The creation of PPU will allow for future realignments within the park without the need for additional transfers.
- 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: _____

Both of the rights were decreed on 01/29/2010 therefore neither right would be subject of forfeiture.

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

Current Water Right No.: 2-39

Current Owner: IDAHO POWER CO
Priority Date: 4/1/1952
Origin: Water Right
Status: Active
Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 10/31

Total Diversion

Diversion Rate

0.14 CFS

0.14 CFS

Annual Volume

Location of Point(s) of Diversion

SNAKE RIVER
OWYHEE County

L10(NW1/4SW1/4) Sec. 34, Twp 05S, Rge 04E B.M.

Place of Use

IRRIGATION Within OWYHEE County

T05S R04E S33	SENE	1.50	T05S R04E S33	Lot 5	NESE	1.50
T05S R04E S34	Lot 4 SWNW	2.50	T05S R04E S34	Lot 10	NWSW	1.50

Total Acres: 7

Conditions of Approval:

1. PARK AT C. J. STRIKE DAM
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.

Decreed Date: 1/29/2010

Page 6 of 7

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

Current Water Right No.: 2-40

Current Owner: IDAHO POWER CO
Priority Date: 3/1/1956
Origin: Water Right
Status: Active
Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Total Diversion

Diversion Rate

0.15 CFS

0.15 CFS

Annual Volume

Location of Point(s) of Diversion

SNAKE RIVER

ELMORE County

L4(NE1/4SW1/4NW1/4)

Sec. 34, Twp 05S, Rge 04E B.M.

Place of Use

IRRIGATION Within ELMORE County

T05S R04E S34

NWNW

5.00

Total Acres: 5

Conditions of Approval:

1. NORTH PARK AT C. J. STRIKE DAM
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.

Decreed Date: 1/29/2010

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ 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. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

FOR DEPARTMENT USE ONLY

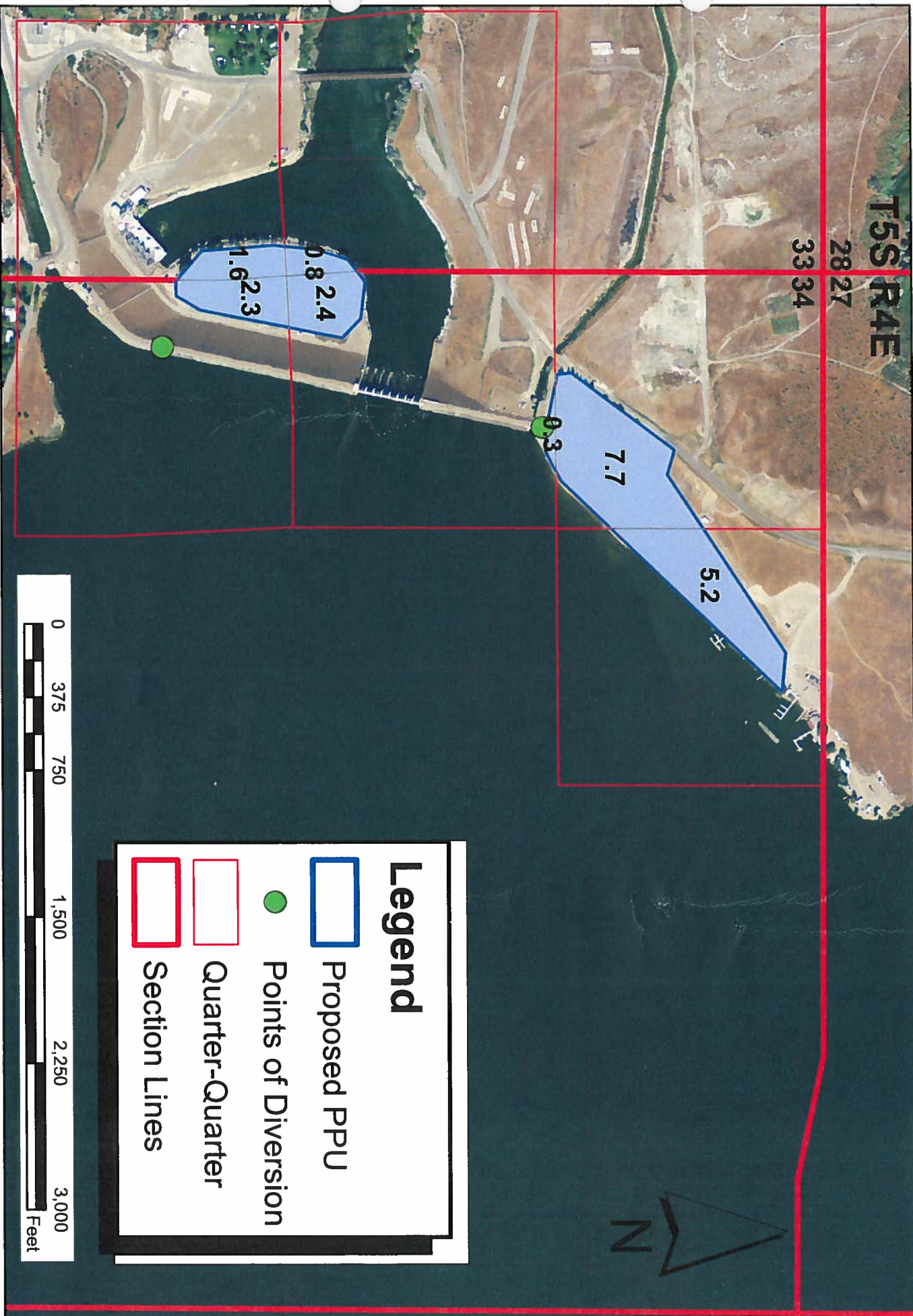
Transfer contains 7 pages and 3 attachments.

Received by JB, Date 1.19.2012 Prelim. Check by KW Date 3/27/12

Fee Paid \$500.00 Date 1.19.2012 Received by ES Receipt # W039856

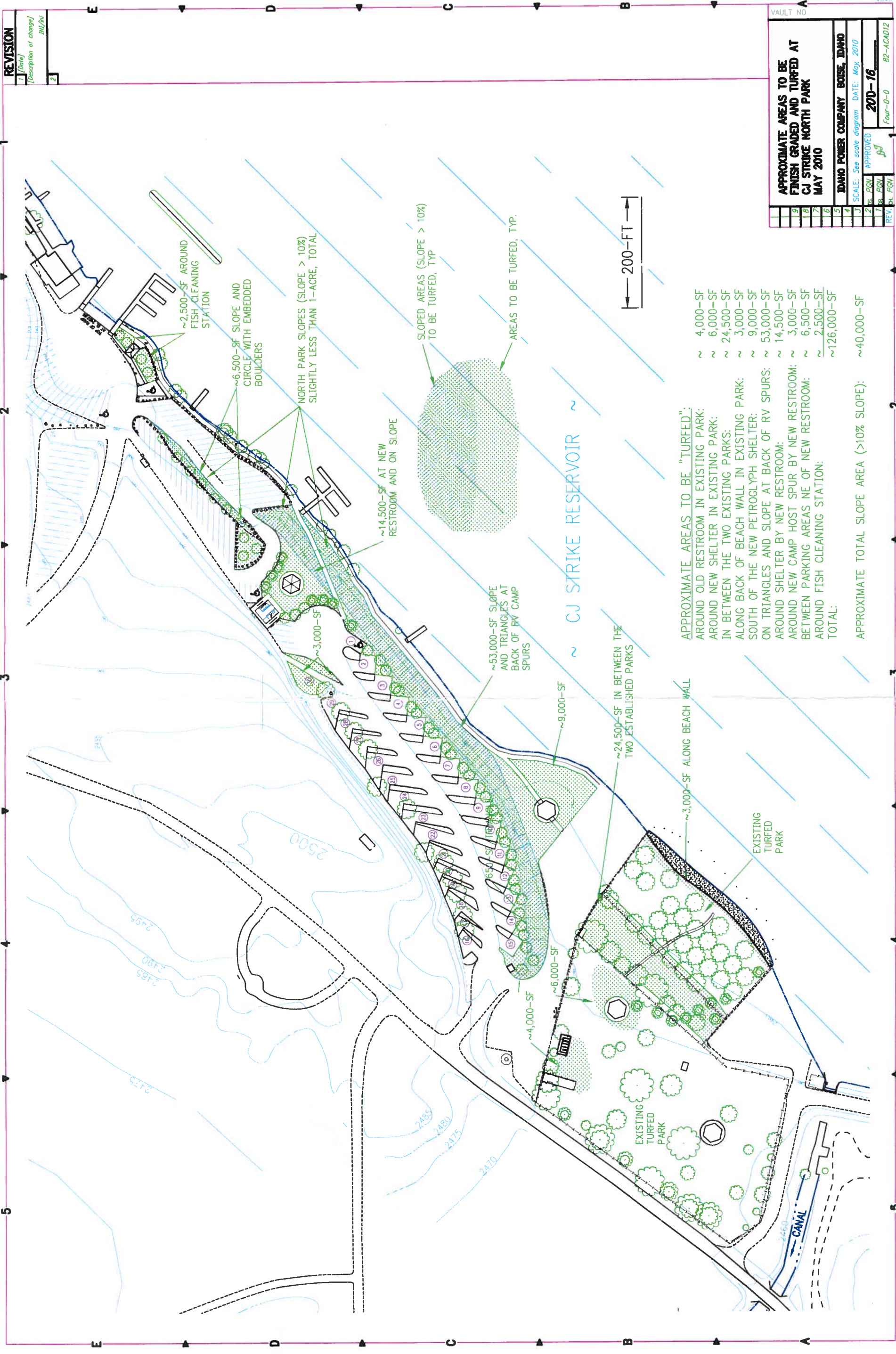
Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

Proposed Permissible Place of Use for Water Rights 2-39 and 2-40



Attachment #9

The following maps provide details of the current level of irrigation at Scout Park and North Park at Idaho Power's C. J. Strike plant. The current total irrigated area at Scout Park is approximately 3.8 acres. The current total irrigated area at North Park is approximately 6.7 acres.



REVISION		
	[Date]	[Description of change]
1	JUN/10	
2		

APPROXIMATE AREAS TO BE FINISH GRADED AND TURFED AT CJ STRIKE NORTH PARK MAY 2010	
1	REV
2	BL
3	PGN
4	PGN
5	PGN
6	PGN
7	PGN
8	PGN
9	PGN
10	PGN
11	PGN
12	PGN
13	PGN
14	PGN
15	PGN
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97	PGN
98	PGN
99	PGN
100	PGN

APPROXIMATE AREAS TO BE "TURFED":
AROUND OLD RESTROOM IN EXISTING PARK: ~ 4,000-SF
AROUND NEW SHELTER IN EXISTING PARK: ~ 6,000-SF
IN BETWEEN THE TWO EXISTING PARKS: ~ 24,500-SF
ALONG BACK OF BEACH WALL IN EXISTING PARK: ~ 3,000-SF
SOUTH OF THE NEW PETROGLYPH SHELTER: ~ 9,000-SF
ON TRIANGLES AND SLOPE AT BACK OF RV SPURS: ~ 53,000-SF
AROUND SHELTER BY NEW RESTROOM: ~ 14,500-SF
AROUND NEW CAMP HOST SPUR BY NEW RESTROOM: ~ 3,000-SF
BETWEEN PARKING AREAS NE OF NEW RESTROOM: ~ 6,500-SF
AROUND FISH CLEANING STATION: ~ 2,500-SF
TOTAL: ~126,000-SF

APPROXIMATE TOTAL SLOPE AREA (>10% SLOPE): ~40,000-SF

Attachment 3a

MEMORANDUM

TO: Transfer No. 77714
FROM: Kay Walker 
DATE: March 22, 2012
RE: Evaluation of Application

The transfer proposes to create two common points of diversion and a permissible place of use (ppu) for two parks (Scout Park and North Park) at the C.J. Strike facility.

The site is located south of Rim Road at the C.J. Strike Dam facility.

Contact person for the applicant is David Blew, Water Right Specialist for Idaho Power Company, 388-5292.

Summary of Information Submitted

The application was submitted in good form with the exception of the proposed place of use. The form says the water would be used in Range 4W but the Rights were decreed in Range 4E. I contacted David Blew and he sent an e-mail that states the place of use should be located in Range 4E. The application can be processed without being advertised since they are not changing the location of the points of diversion or place of use.

We also noticed that the form states that the rights had gone more than 5 years of non-use (part 1.B.5.f). This is not applicable since the rights were just recently decreed and non-use would not be a factor until 2015; we can treat this as an insignificant typo.

Authority to File:

The applicant is the water right holder of record for each of these rights.

Water Right Validity:

Rights presumed to be valid because the partial decrees were issued within the past five year period, on January 29, 2010.

Injury to Other Water Rights:

There should be no injury to other water users as long as the right holders do not exceed the irrigation of their decreed number of acres in any season. As long as the transfer is conditioned appropriately there should be no problem.

Enlargement of Use:

No enlargement should occur. The rights will be limited to their decreed number of acres and decreed quantities.

Local Public Interest:

It is within the local public interest to allow the right holder to manipulate their water rights for these parks.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

SRBA status is finalized. The partial decrees were issued on these rights in January of 2010 and the records were migrated into the water right data base.

Overlapping rights at existing &/or proposed POD &/or POU are none.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Walker, Kay

From: Blew, David [DBlew@Idahopower.com]
Sent: Wednesday, March 21, 2012 2:04 PM
To: Walker, Kay
Subject: Transfer Number 77714

Kay,

Please change the place of use to 5S 4E for the POU on our pending transfer.

David



This transmission may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of the information contained herein (including any reliance thereon) is STRICTLY PROHIBITED. If you received this transmission in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.

January 18, 2012

John Westra
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

JAN 19 2012

WATER RESOURCES
WESTERN REGION

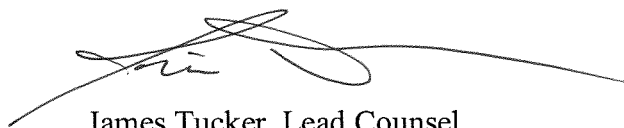
Dear John,

Enclosed with this letter is an Application for Transfer of water rights 2-39 and 2-40. We recently completed some construction and realignment of North Park at our C.J. Strike facility. There have also been changes to the irrigated acreage to Scout Park located near C. J. Strike Dam. The proposed transfer is to create a common permissible place of use for the rights and inclusion of the existing points of diversion on each right. We believe this would provide for flexibility for and future changes to either park.

Water right 2-39 allows for the irrigation of 7 acres and 2-40 allows for the irrigation of 5 acres. We understand this would provide only 12 total acres of irrigation within the proposed PPU. We have included with this application detailed maps of what we are currently irrigating at both parks including numerous small parcels within each park. We are currently irrigated approximately 10.5 acres within the proposed PPU.

If you have any additional questions about this transfer, please contact David Blew at (208) 388-5292.

Sincerely,



James Tucker, Lead Counsel
Idaho Power

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