

North

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JUN 09 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77342

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.
- ☐ ☒ #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).
- ☐ ☒ #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/water/rights/>.
- ☐ ☒ #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.)
- ☐ ☒ #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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SOUTHERN REGION
STATE OF IDAHO

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Boyd Harms Phone 208-539-6329

Mailing address 1500 East Main Weiser, Idaho 83672 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 Greg Sullivan of Brockway Engineering Phone 208-736-8543

Mailing address 2016 North Washington Street, Suite 4 Twin Falls Idaho 83301 Email greg.sullivan@brockwayeng.com

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

OR

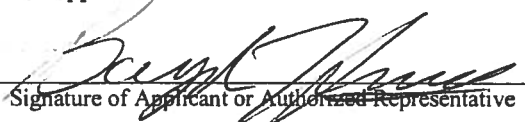
☒ Send original correspondence to the applicant and copies to the representative.

☐ 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

Boyd Harms 4-15-11
Print Name and Title if applicable 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. Create a 307.6 acre Permissible Place of Use to enable better irrigation water management of 307.6 acres of ground water and 29.0 acres of North Side Canal Water within the proposed PPU.**

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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 ☐ ☒	36-16731	3.11/622	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	36-7817	1.1/220	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	36-7877	0.83/272	Irrigation	3/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 5.85 cfs and/or 1276 ac-ft

2. Total amount of water proposed to be transferred or changed 5.04 cubic feet per second and/or 1114 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 #
		SW	NW	SE	22	7S	14E	Gooding	Ground Water	Well 4

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	
7S	14E	22																	247
7S	14E	27	30	30	0.3	0.3													60.6

Total Acres (for irrigation use) 307.6

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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: One existing well, pumps and pipes. These irrigation system is involved in the AWEPP project.

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

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: _____
Irrigation will continue.

- 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: _____
278.6 acres will be irrigated with ground water and 29.0 acres will be covered by North Side Canal Company water

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

Current Water Right No.: 36-16731

Current Owner: BOYD L HARMS

Priority Date: 8/21/1973

Origin: Water Right

Status: Active

Basls: Decreed

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

3.92 CFS

3.92 CFS

Annual Volume

784 AF

784 AF

Location of Point(s) of Diversion

GROUND WATER

GOODING County

NE1/4SE1/4NE1/4

Sec. 27, Twp 07S, Rge 14E B.M.

GROUND WATER

GOODING County

SW1/4NW1/4SE1/4

Sec. 27, Twp 07S, Rge 14E B.M.

Place of Use

IRRIGATION Within GOODING County

T07S R14E S27	NENE	22.00	T07S R14E S27	NWNE	6.00
T07S R14E S27	SWNE	8.00	T07S R14E S27	SENE	7.00
T07S R14E S27	SWNW	32.00	T07S R14E S27	SENW	40.00
T07S R14E S27	NESW	40.00	T07S R14E S27	NWSW	32.00
T07S R14E S27	NESE	1.00	T07S R14E S27	NWSE	8.00

Total Acres: 196

Conditions of Approval:

1. Right No. 36-07817 is also diverted through point of diversion described above.
2. 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.
3. S17 Use of this right is combined with water from North Side Canal Co. Ltd.

Decreed Date: 8/31/2001

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

Current Water Right No.: 36-7817

Current Owner: BOYD L HARMS

Priority Date: 10/14/1978

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Total Diversion

Diversion Rate

1.1 CFS

1.1 CFS

Annual Volume

220 AF

220 AF

Location of Point(s) of Diversion

GROUND WATER

GOODING County

NE1/4SE1/4NE1/4

Sec. 27, Twp 07S, Rge 14E B.M.

Place of Use

IRRIGATION Within GOODING County

T07S R14E S27

NENE

1.50

T07S R14E S27

NWNE

15.00

T07S R14E S27

NENW

32.50

T07S R14E S27

NWNW

6.00

Total Acres: 55

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. RIGHT NO. 36-07370 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Decreed Date: 8/27/2001

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

Current Water Right No.: 36-7877

Current Owner: BOYD L HARMS

Priority Date: 12/21/1979

Origin: Water Right

Status: Active

Basis: Decreed

Source
GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	03/15	to 11/15	0.83 CFS	272 AF
	Total Diversion		0.83 CFS	272 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4NW1/4SE1/4 Sec. 22, Twp 07S, Rge 14E B.M.
GOODING County

Place of Use

IRRIGATION Within GOODING County

T07S R14E S22	NWSW	23.00	T07S R14E S22	SWSW	39.00
T07S R14E S27	NWNW	6.00			

Total Acres: 68

Conditions of Approval:

1. E51 USE OF THIS RIGHT WITH RIGHT NO. 36-2665A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.24 CFS.
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: 8/18/2005

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

- ☒ 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**.

1. 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 _____ pages and _____ attachments.

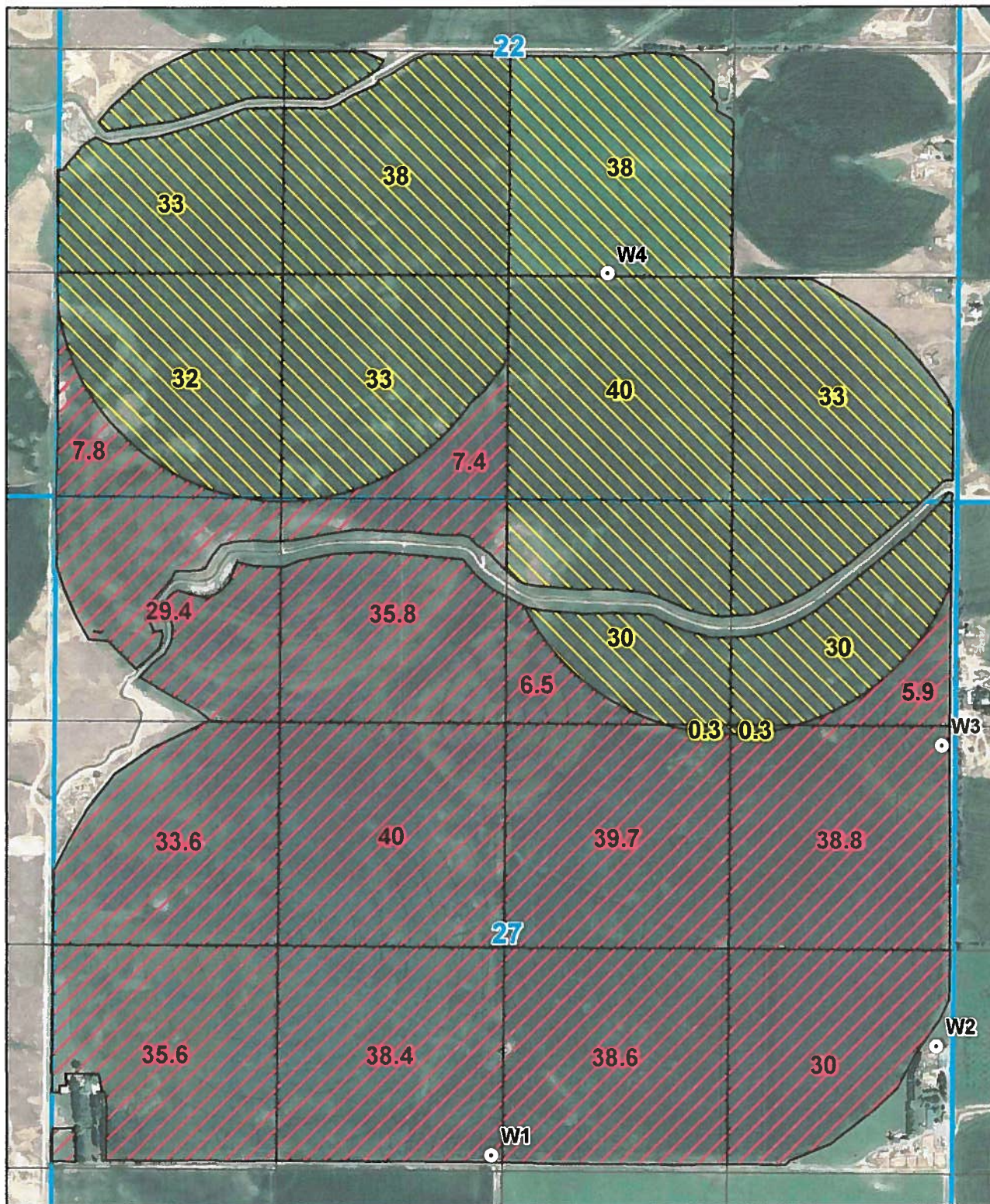
Received by _____ Date _____ Prelim. Check by _____ Date _____
 Fee Paid 8450⁰⁰ Date 6/9/11 Received by WMA Receipt # 5031965 2 part
 Add'l Fee Paid _____ Date 2/23/11 Received by WMA Receipt # 5031807 2

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Boyd Harms
Transfer/Split Analysis
Brockway Engineering
GWS 6/7/2011

Water Right	Amount cfs	AFA	Acre Limit	Priority	North System			South System			Remander		
					cfs	AFA	Acre Limit	cfs	AFA	Acre Limit	cfs	AFA	Acre Limit
36-2665A	2.92	881	221.0	10/11/1966									
36-16203	2.60	520	130.0	8/21/1973									
36-16731	3.92	784	196.0	8/21/1973									
36-7817	1.1	220	55.0	10/14/1978	3.11	622	155.6	0.73	146	36.5	0.08	15.60	3.9
36-7877	0.83	272	68.0	12/21/1979	0.83	272	68.00						
			29.0				29.0						
NSCC			699.0				307.6						
Total	11.37	2677			5.04	1114		6.57	1547	387.5	0.08	15.6	3.9
					Total 699.0								
					Total Acres 196.00			Total Acres 196.00			Total Acres 196.00		
					CFS 3.92			CFS 3.92			CFS 3.92		
					AFA 784.00			AFA 784.00			AFA 784.00		
					Acres Split 155.60			Acres Split 36.5			Acres Split 3.90		
					79.39%			18.62%			1.99%		

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1 inch equals 850 feet

**HARMS, BOYD
NORTH & SOUTH PROPOSED PPU 2011
NAIP 2009 AERIAL**

Proposed PPU's

SOUTH PPU=387.5 AC.

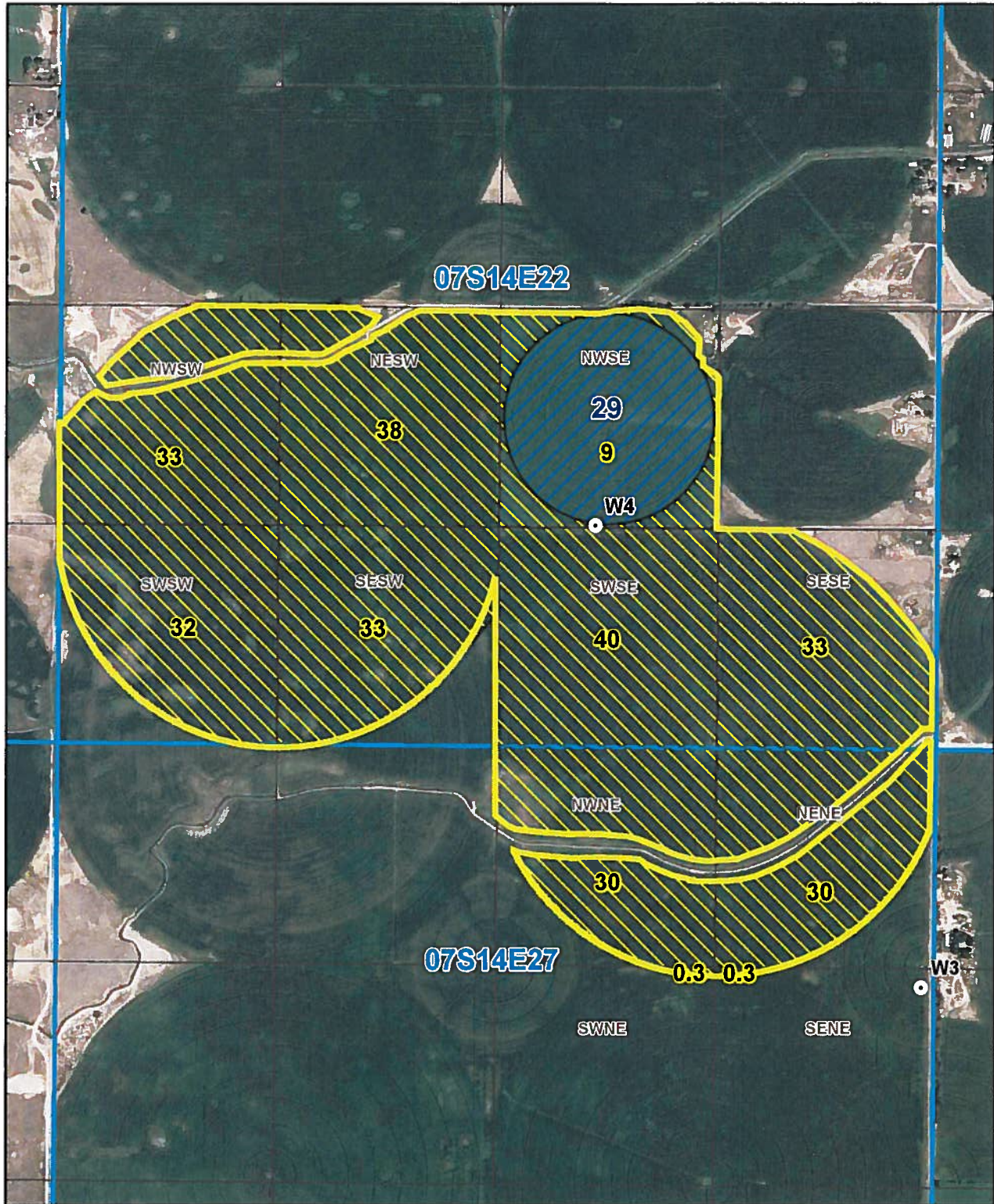
NORTH PPU=307.6 AC.

7s14e_Sections

t07s14e

Wells





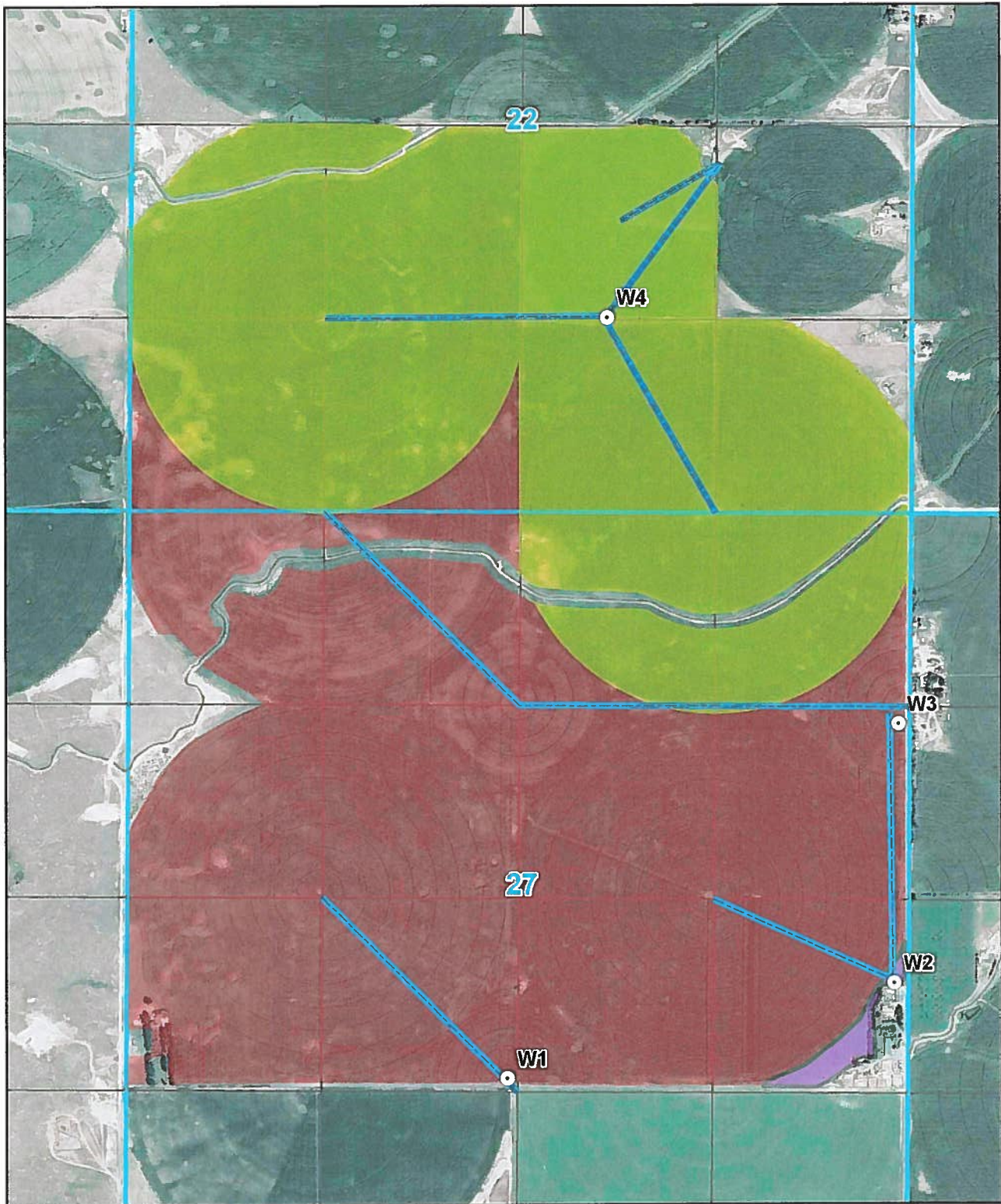
**HARMS, BOYD
NORTH PROPOSED PPU\POU 2011
NAIP 2009 AERIAL**

- | | |
|---|---|
| <ul style="list-style-type: none"> North PPU=307.6 ac. 7s14e_Sections t07s14e | <ul style="list-style-type: none"> Wells CANAL SHARES=29 AC. GW ACRES=278.6 AC. |
|---|---|

BROCKWAY ENGINEERING, PLLC.
ALR - JULY 18, 2011



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**HARMS, BOYD
NORTH & SOUTH SYSTEM MAP
NAIP 2009 AERIAL**

0 400 800 1,600 Feet

Proposed PPU
 South PPU
 North PPU
 Harm's POU
 7s14e_Sections
 t07s14e
 Wells
 Pipe Lines



BROCKWAY ENGINEERING, PLLC.
 ALR - APRIL 25, 2011

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