

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77413

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) CURLEW DEVELOPMENT INC Phone 208.698.3345

Mailing address C/O BRENT BIRD 9830 N ARBON VALLEY RD HOLBROOK ID 83243 Email ANONMOSSSTER@GMAIL.C

- ☐ 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.

CURLEW DEVELOPMENT INC.

Dan & Beryl
Signature of Applicant or Authorized Representative

BRENT L. BIRD
Print Name and Title if applicable

7/21/11
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**. Change place of use to cover existing acres that are irrigated. Dry up corners and move to cover 234 acres currently irrigated.

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Department of Water Resources
Eastern Region

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 ContinuedB. 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 ☒ ☐	17-7026	3 cfs	Irrigation	04/01 to 10/31	Groundwater
☒ ☐	17-7065	5 cfs	Irrigation	04/01 to 10/31	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 8.00 cfs and/or 2183.7 ac-ft2. Total amount of water proposed to be transferred or changed 8.00 cubic feet per second and/or 2183.7 acre-feet per annum.

3. Point(s) of Diversion:

- ☒ km - correction to existing POD (Typo Error)
☐ 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 #
	1	NE	NE	NE	1	15S	32E	ONEIDA	Ground Water	
	1	SE	NE	NE	1	15S	32E	ONEIDA	Ground Water	
	2		NW	NE	6	15S	33E	ONEIDA	Ground Water	
	3	NW	NE	NW	6	15S	33E	ONEIDA	Ground Water	

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	
14S	33E	31												18.9	34.6	16.6	34.9	39.	144.
15S	32E	1	39.	39.	39.	39.	38.	39.	39.	40.									312.
15S	33E	6	34.	40.	40.	32.5	11.5			9.9									167.9

Total Acres (for irrigation use) 623.9

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DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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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: Existing pivot irrigation

- b. Who owns the property at the point(s) of diversion? David L Bird

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

CURFEW DEVELOPMENT, INC.

- 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: This change will cover circle irrigation, and dry up corners to cover circle pattern.

- 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: NA

- 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.: 17-7026

Current Owner: CURLEW DEVELOPMENT INC

Priority Date: 2/11/1974

Origin: Water Right

Status: Active

Basis: License

Source

GROUND WATER

TributaryBeneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

3 CFS

Annual Volume

840 AF

Total Diversion

3 CFS

840 AF

Location of Point(s) of Diversion

GROUND WATER

L1(NE1/4NE1/4NE1/4)

Sec. 1, Twp 15S, Rge 32E B.M.

ONEIDA County

GROUND WATER

L2(NW1/4NE1/4)

Sec. 6, Twp 15S, Rge 33E B.M.

ONEIDA County

GROUND WATER

L3(NW1/4NE1/4NW1/4)

Sec. 6, Twp 15S, Rge 33E B.M.

ONEIDA County

GROUND WATER

L1(SE1/4NE1/4NE1/4)

Sec. 1, Twp 15S, Rge 32E B.M.

ONEIDA County

Place of UseIRRIGATION Within ONEIDA County

T14S R33E S31	SESW	12.00	T14S R33E S31	NESE	39.00
T14S R33E S31	NWSE	15.00	T14S R33E S31	SWSE	26.00
T14S R33E S31	SESE	39.00	T15S R32E S1	Lot 1	NENE 39.00
T15S R32E S1	Lot 2	NWNE 39.00	T15S R32E S1		SWNE 39.00
T15S R32E S1	SENE	39.00	T15S R32E S1	Lot 3	NENW 38.00
T15S R32E S1	Lot 4	NWNW 39.00	T15S R32E S1		SWNW 39.00
T15S R32E S1	SENE	40.00	T15S R33E S6	Lot 1	NENE 40.00
T15S R33E S6	Lot 2	NWNE 40.00	T15S R33E S6		SWNE 40.00
T15S R33E S6	SENE	39.00	T15S R33E S6	Lot 3	NENW 12.00
T15S R33E S6	SENE	9.90			

Total Acres: 623.9

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Conditions of Approval:

1. X27 This right is limited to the irrigation of 240 acres within the place of use described above in a single irrigation season.
2. X35 Rights 17-7028 and 17-7065 when combined shall not exceed the irrigation of 623.9 acres.
3. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Licensed Date: 5/16/2007

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

Current Water Right No.: 17-7065

Current Owner: CURLEW DEVELOPMENT INC

Priority Date: 9/19/1975

Origin: Water Right

Status: Active

Basis: License

Source

GROUND WATER

TributaryBeneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

5 CFS

Annual Volume

1343.7 AF

Total Diversion

5 CFS

1343.7 AF

Location of Point(s) of Diversion

GROUND WATER

L2(NW1/4NE1/4) Sec. 6, Twp 15S, Rge 32E B.M.

ONEIDA County

GROUND WATER

L1(SE1/4NE1/4NE1/4) Sec. 1, Twp 15S, Rge 32E B.M.

ONEIDA County

GROUND WATER

L3(NW1/4NE1/4NW1/4) Sec. 6, Twp 15S, Rge 33E B.M.

ONEIDA County

GROUND WATER

L1(NE1/4NE1/4NE1/4) Sec. 1, Twp 15S, Rge 32E B.M.

ONEIDA County

Place of UseIRRIGATION Within ONEIDA County

T14S R33E S31	SESW	12.00	T14S R33E S31	NESE	39.00
T14S R33E S31	NWSE	15.00	T14S R33E S31	SWSE	26.00
T14S R33E S31	SESE	39.00	T15S R32E S1	Lot 1	NENE 39.00
T15S R32E S1	Lot 2	NWNE 39.00	T15S R32E S1		SWNE 39.00
T15S R32E S1	SENE	39.00	T15S R32E S1	Lot 3	NENW 38.00
T15S R32E S1	Lot 4	NWNW 39.00	T15S R32E S1		SWNW 39.00
T15S R32E S1	SENW	40.00	T15S R33E S6	Lot 1	NENE 40.00
T15S R33E S6	Lot 2	NWNE 40.00	T15S R33E S6		SWNE 40.00
T15S R33E S6	SENE	39.00	T15S R33E S6	Lot 3	NENW 12.00
T15S R33E S6	SENW	9.90			

Total Acres: 623.9

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Conditions of Approval:

1. X27 This right is limited to the irrigation of 383.9 acres within the place of use described above in a single irrigation season.
2. X35 Rights 17-7026 and 17-7065 when combined shall not exceed the irrigation of 623.9 acres.
3. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Licensed Date: 5/16/2007

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part IB.I of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, **Water Right Transfers, Step I**.

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the Part 2B form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number:

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)

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APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

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☒ 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.

☐ If you propose to change the nature of use or period of use of all or part of the rights(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**.

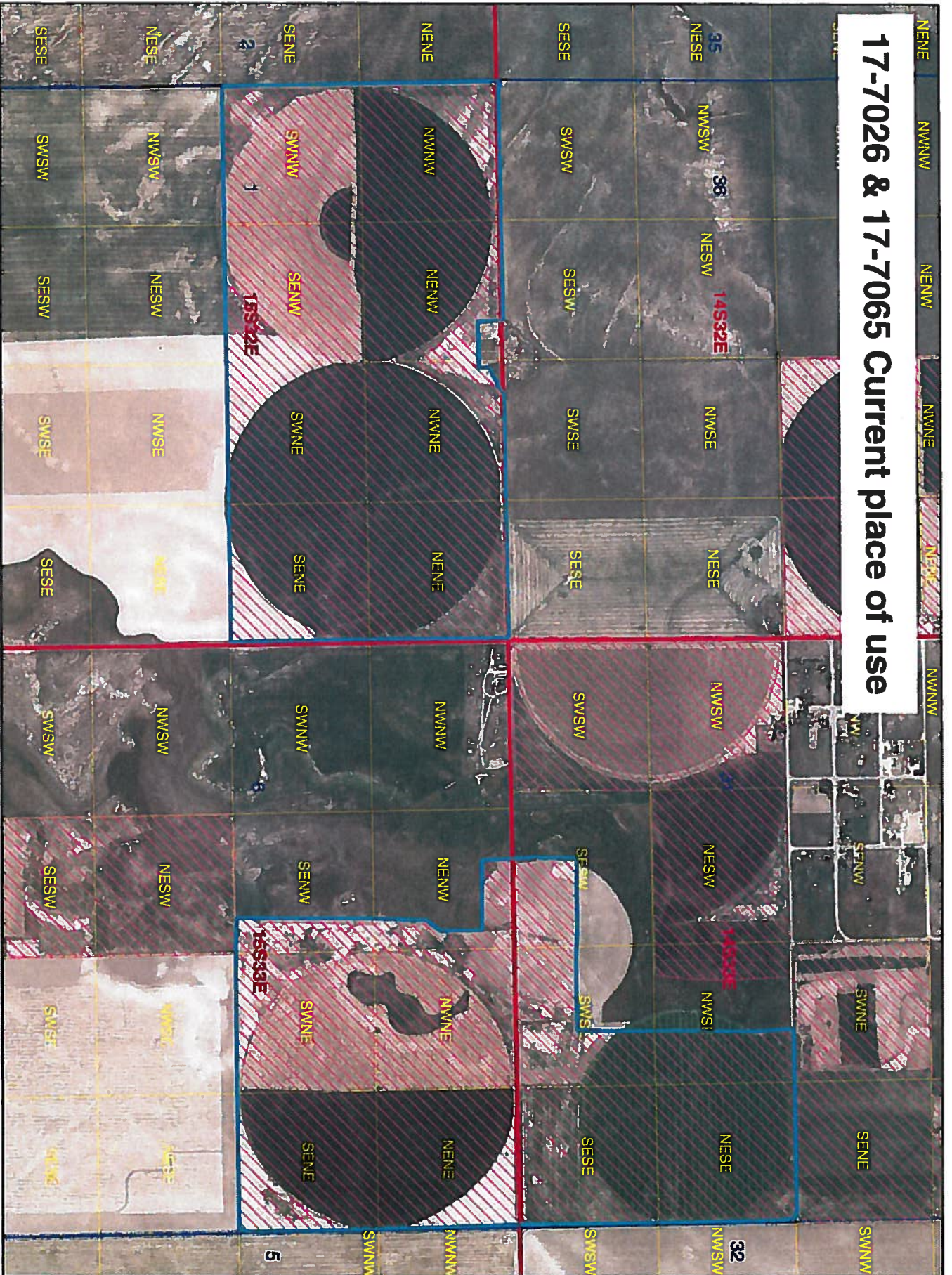
☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

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.:

Transfer contains	<u>11</u>	pages and		attachments.	
Received by	<u>Km</u>	Date	<u>7/22/2011</u>	Prelim. Check by	<u>Km</u> Date <u>7/22/2011</u>
Fee Paid	<u>500.00</u>	Date	<u>7/22/2011</u>	Received by	<u>Km</u> Receipt # <u>ED36833</u>
Add'l Fee Paid		Date		Received by	Receipt #

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17-7026 & 17-7065 Current place of use



10 06 11

☐ New place of use

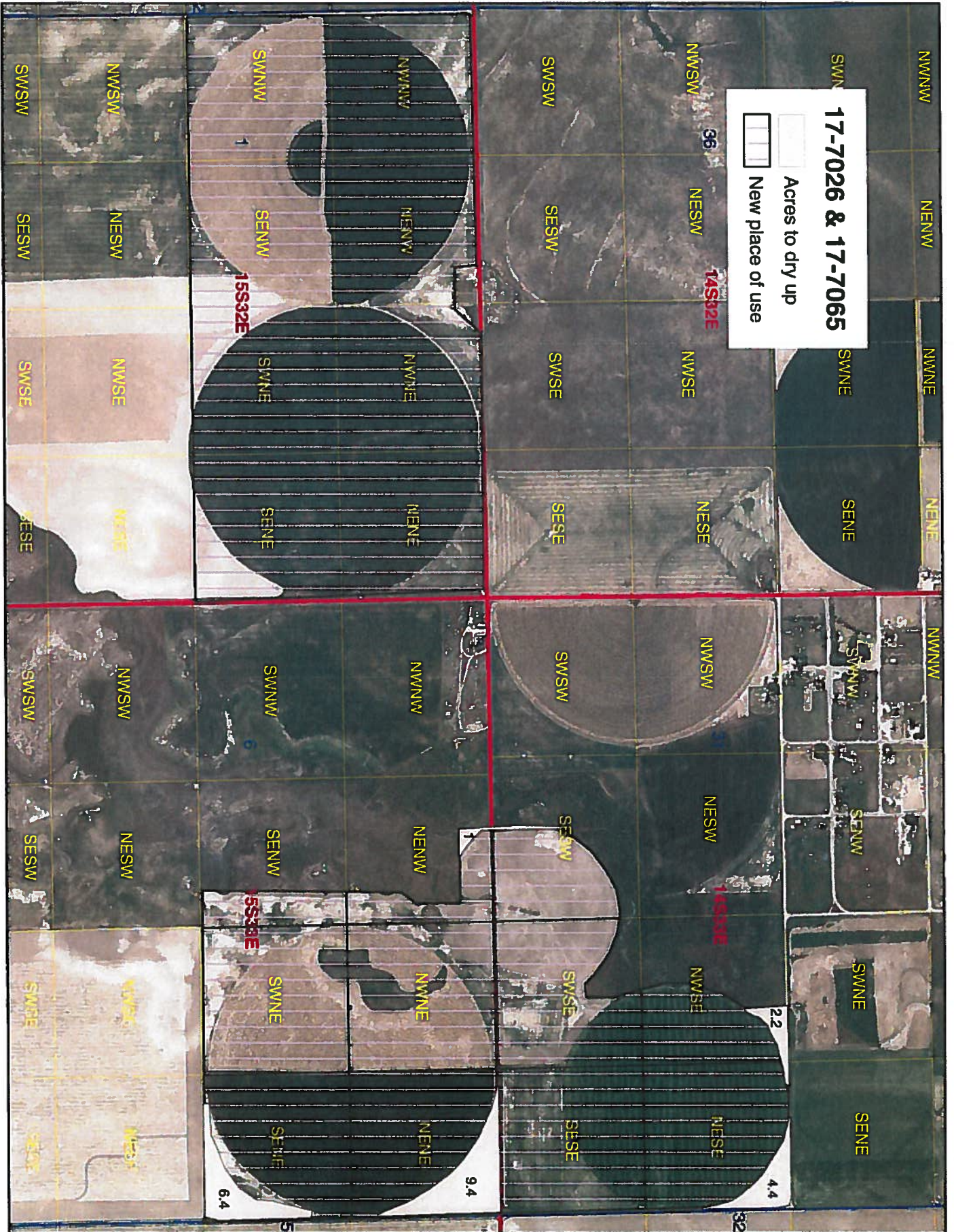


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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77413

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 <u>always required</u> 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 <u>only a portion</u> is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at:
http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf . |
| ☐ | ☐ | * 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 <u>not</u> 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/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.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.) |
| ☐ | ☒ | #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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