

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

77336

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change

1. APPLICANT(S) Buffalo River Water Assn Inc Phone 521-3640

2. MAILING ADDRESS PO Box 663 City Rexburg

State ID Zip 83440 Email _____

- ☒ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 21-7442

- ☐ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 0.280 cubic feet per second and/or 84.00 acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

TwP	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
13N	43E	23		NW	NE		Fremont	Groundwater	
13N	43E	23		SW	NE		Fremont	Groundwater	
13N	43E	23		NE	NE		Fremont	Groundwater	
13N	43E	23		SE	NW		Fremont	Groundwater	

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6. GENERAL INFORMATION

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- 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:

Well head to be situated in a locked well house and outfitted with a flow meter as required.

- b. Who owns the property at the point(s) of diversion? Buffalo River Estates, Division No. 3

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

- c. 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(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe _____

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Jim Staggs
Signature of applicant or authorized agent

Jim Staggs V.P. BRWA 6/7/2011
Print name and title if applicable Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid \$250.00 Date 6-13-2011 Received by [Signature] Receipt # E036729

Preliminary review completed by _____ Date _____

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Marilyn, Jim, Lynn and Stu, with the up coming BRWA meeting July 3rd, I wanted to get out an agenda. Take a look and let me know of any additions/deletions. Marilyn, I left you a vmail. If you are printing up the financials could you include the agenda also? I think we need 40 copies. Thanks.

Perhaps we all could meet at 8:15 am on Saturday morning to setup/arrange chairs and discuss anything? Let me know if that would be OK.

If you can't open the word document attached, here is the agenda outline:

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Buffalo River Water Association Annual Meeting Agenda

John Laird/President/208-520-8023

Jim Staggs/1st Vice President/Water/208-521-3640

Lynn Jones/2nd Vice President/Road/208-558-9194

Marilyn Sommer/Treasurer/208-356-3878

Stuart Eddins/Secretary-Special Projects/208-529-4650

Saturday July 3, 2010 9:00AM

Elk Creek Ranch, Island Park, Idaho

John Laird-Opening remarks

- A. Thanks Elk Creek Ranch/Zollingers for the use of the ranch
- B. Printed Information: Agenda and Financial report

Stuart Eddins-minutes from BRWA annual meeting held July 4, 2009

Marilyn Sommer-Financial Report

- A. Roll call of members in attendance-Quorum
- B. Financial report
- C. Delinquent accounts AR

Lynn Jones- Road Report

- A. Road Status
- B. Winter fee/Summer fee and provider discussion

Jim Staggs-Water Report

- A. Water system status wells and lines
- B. Backup well Buffalo 3 status
- C. Water Testing –Ron Wilks-THANKS
- D. Buffalo River pollution and septic tanks
- E. Discussion to lower yearly water fee

John Laird-Closing Remarks

- A. Open discussion
 - 1. Mosquito abatement
 - 2. IP Septic System
- B. THANKS FOR YOUR SUPPORT AND ATTENDANCE!!

Thank you,

John Laird
Med Surg and Lab Sales Generalist
VM: 800-888-9675 ext 2239

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 21-7442

WATER RIGHT NUMBER: 21-7442

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<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ISLAND PARK WATER CO C/O ED STROBEL 500 S WOODRUFF IDAHO FALLS, ID 83401 (208)523-3300
Current Owner	BUFFALO RIVER WATER ASSN INC C/O MARILYN SOMMER PO BOX 663 REXBURG, ID 83440 (208)233-0843

Priority Date: 08/19/1989

Basis: License

Status: Active DRAFT

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.280 CFS	84.00 AF
<u>Total Diversion:</u>		0.280 CFS	84.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 23, Twp 13N, Rge 43E, B.M.
FREMONT County		
GROUND WATER	SW1/4NE1/4 ✓	Sec. 23, Twp 13N, Rge 43E, B.M.
FREMONT County		
GROUND WATER	NE1/4NE1/4	Sec. 23, Twp 13N, Rge 43E, B.M.
FREMONT County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	43E	23	X	X	X	X				X	X					X			
13N	43E	24						X											
								L 2											

Conditions of Approval:

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 21-7442

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1. X59 Point of diversion is located within Lot 9, Blk 3; Lot 8, Blk 5; and Lot 1, Blk 19; Buffalo River Estates Subdivision.
2. X01 Domestic use is for 70 homes.
3. X35 Rights 21-7442 and 21-7583 when combined shall not exceed a total diversion rate of 0.28 cfs.
4. X60 Places of use are located within Lots 1-14, Blk 1; Lots 1-11, Blk 2; Lots 1-8 & 10-28, Blk 3; Lots 1-17, Blk 4; Lots 1-7, 9-22 & 25-30, Blk 5; Lots 1-15, Blk 6; Lots 1-5, 13-19 & 55-59, Blk 7; Lots 1-5, Blk 8; Lots 3-10, Blk 13; Lots 6-15, Blk 15; Lots 2-7, Blk 16; Lots 2-8, Blk 17; and Lots 1-10 & 15-23, Blk 18; Buffalo River Estates Division Nos. 1, 2, 3 & 4.
5. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. 071 The domestic use authorized under rights 21-7442 and 21-7583 shall not exceed 13,000 gallons per day per home.

Remarks:Comments:

1. jlarsen 9/24/2007 Field Report Narrative
Comment: This system contains three wells. Currently wells #1 and #2 are tied together and deliver water to Subdivisions #1 and #2. The water mains in Subdivisions #1 and #2 are 2 inch and are buried along the edges of the roads. All lots are stubbed in. Conditions of Permit state that this Permit be limited to use by 70 homes. Subdivision 3 is not connected to the other two subdivisions. It receives its water from Well #3. The mainlines are 4 inch and the trunklines are 3 inch. They also run along the edges of the roads.
2. jlarsen 11/20/2007 POD
Comment: Updated shape
3. jlarsen 11/20/2007 POD
Comment: Updated shape
4. jlarsen 11/20/2007 POD
Comment: Updated shape
5. jlarsen 11/20/2007 POU
Comment: Updated Shape
6. cpadilla 9/13/2010 3:24:54 PM POU
Comment: Updated Shape

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 21-7442

Dates and Other Information:

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

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
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0.28		
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Combined Water Rights: 21-7442 , 21-7583

Water Supply Bank:

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Scale: 1" = 790 feet