

RECEIVED

Page 1

MAR 18 2011

Department of Water Resources
Eastern Region

Transfer No. 77108

Receipt No. E036497

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

1. Applicant Information JAY W JOHNSON
2125 CABELLARO DR
AMMON ID 83406
(208) 523-1202

AND

BRENDA R JOHNSON
2125 CABELLARO DR
AMMON ID 83406
(208) 523-1202

AND

KIRT SCHWIEDER
2125 CABELLARO DR
AMMON ID 83401
(208) 523-1202

AND

KAELYNE SCHWIEDER
2125 CABELLARO DR
AMMON ID 83401
(208) 523-1202

Will this transfer result in an ownership change? _____ Yes X No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
35-13870	WR/Decreed	7.41	2,272.0		568.0	GROUND WATER
35-13871	WR/Decreed	0.21	64.0	16.0	549.0	GROUND WATER

3. Purpose of Transfer (Change Proposed)

Part 3A Attached for Each Proposed Right

Part 3B Attached for Each Split Right

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
35-13870	NO	NO	YES	NO	NO	NO
35-13871	YES	YES	YES	NO	NO	NO

Describe the reason for the proposed changes

77108

Page 2

The applicant is drying up corners in order to cover a new mini pivot.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

N/A

B. Describe the effects on other water uses resulting from the proposed change

N/A

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
35-13870	7.54 cfs	568.0	578.2	2,312.8 af
35-14131	0.13 cfs	10.2	578.2	40.8 af
TOTAL	7.67 cfs	578.2	578.2	2,353.6 af

77108

Transfer No. 77108
Receipt No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.


(Signature of Applicant)


(Signature of Applicant)


(Signature of Applicant)


(Signature of Applicant)

 for Northwest Farm Credit Services
(Title or Office)

Transfer No. 77108

Receipt No. _____

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

Current Water Right No. 35-13870

Priority Date: April 11, 1972

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	7.41 CFS	2,272.0 AFA	
	Total Diversion	7.41 CFS	2,272.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NENESW Sec. 6 Twp 04N Rge 36E JEFFERSON
County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	36E	5					42.0	40.0			40.0								122.0
04N	36E	6	46.0	38.0	40.0	40.0	50.0	45.0	36.0	40.0	15.0	16.0			40.0	40.0			446.0
			L 1	L 2			L 3	L 4	L 5			L 6							

Total Acres: 568

Conditions/Remarks:

- 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.

Page 5

Documentation of Ownership of the Current Place of Use
Owner per IDWR record and taxlot data.

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer
It will be dry.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

Transfer No. 77108

Receipt No. _____

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

Current Water Right No. 35-13871

Priority Date: April 11, 1972

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	0.21 CFS	64.0 AFA	
	Total Diversion	0.21 CFS	64.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SESWNE Sec. 1 Twp 04N Rge 35E JEFFERSON
County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
04N 35E 1	54.0	54.0	40.0	40.0	54.0	52.0	30.0	40.0	26.0				11.0	40.0	40.0	37.0	31.0	549.0
	L 1	L 2			L 3	L 4												

Total Acres: 549

Conditions/Remarks:

1. This right is limited to the irrigation of 16 acres within the place of use described above in a single irrigation season.
2. Rights 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13871, 35-13873 and 35-13875 when combined shall not exceed a total diversion rate of 9.22 cfs, a total annual maximum diversion volume of 2196 af at the field headgate, and the irrigation of 549 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

5. Prior to the diversion and use of water under Transfer approval 75247, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. The following rights are diverted through point of diversion described above: 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13871, 35-13873 and 35-13875.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

Documentation of Ownership of the Current Place of Use

Owner per IDWR record and taxlot data.

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

It will be dry.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 35-13870

Priority Date: April 11, 1972

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	7.54 CFS	2,312.8 AFA	
	Total Diversion	7.54 CFS	2,312.8 AFA	

Source and Point(s) of Diversion:

GROUND WATER NENESW Sec. 6 Twp 04N Rge 36E JEFFERSON
County

Describe the proposed diversion system

Point of Diversion # 1 Pivot irrigation system.

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	36E	5					47.3	39.9			40.0								127.2
							L 4												
04N	36E	6	48.1	48.5	38.3	39.9	49.0	42.2	34.1	40.1	15.4	15.5			39.9	40.0			451.0
			L 1	L 2			L 3	L 4	L 5			L 6							

Total Acres: 578.2

Transfer No. 77108

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 35-14131

Priority Date: April 11, 1972

Origin:

Basis: Decreed

Status: Pending
Transfer**Source:** GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	0.13 CFS	40.8 AFA	
	Total Diversion	0.13 CFS	40.8 AFA	

Source and Point(s) of Diversion:

GROUND WATER NENESW Sec. 6 Twp 04N Rge 36E JEFFERSON
County

Describe the proposed diversion system

Point of Diversion # 1 Pivot irrigation system.

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	36E	5					47.3	39.9			40.0								127.2
							L 4												
04N	36E	6	48.1	48.5	38.3	39.9	49.0	42.2	34.1	40.1	15.4	15.5			39.9	40.0			451.0
			L 1	L 2			L 3	L 4	L 5			L 6							

Total Acres: 578.2

Transfer No. 77108

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT**

PART 3B

PORTION OF RIGHT No. 35-13871 REMAINING PORTION

Priority Date: April 11, 1972

Origin:

Basis: Decreed

Status: Pending
Transfer

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	0.08 CFS	23.2 AFA	
	Total Diversion	0.08 CFS	23.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER SESWNE Sec. 1 Twp 04N Rge 35E JEFFERSON
County

PLACE OF USE: IRRIGATION

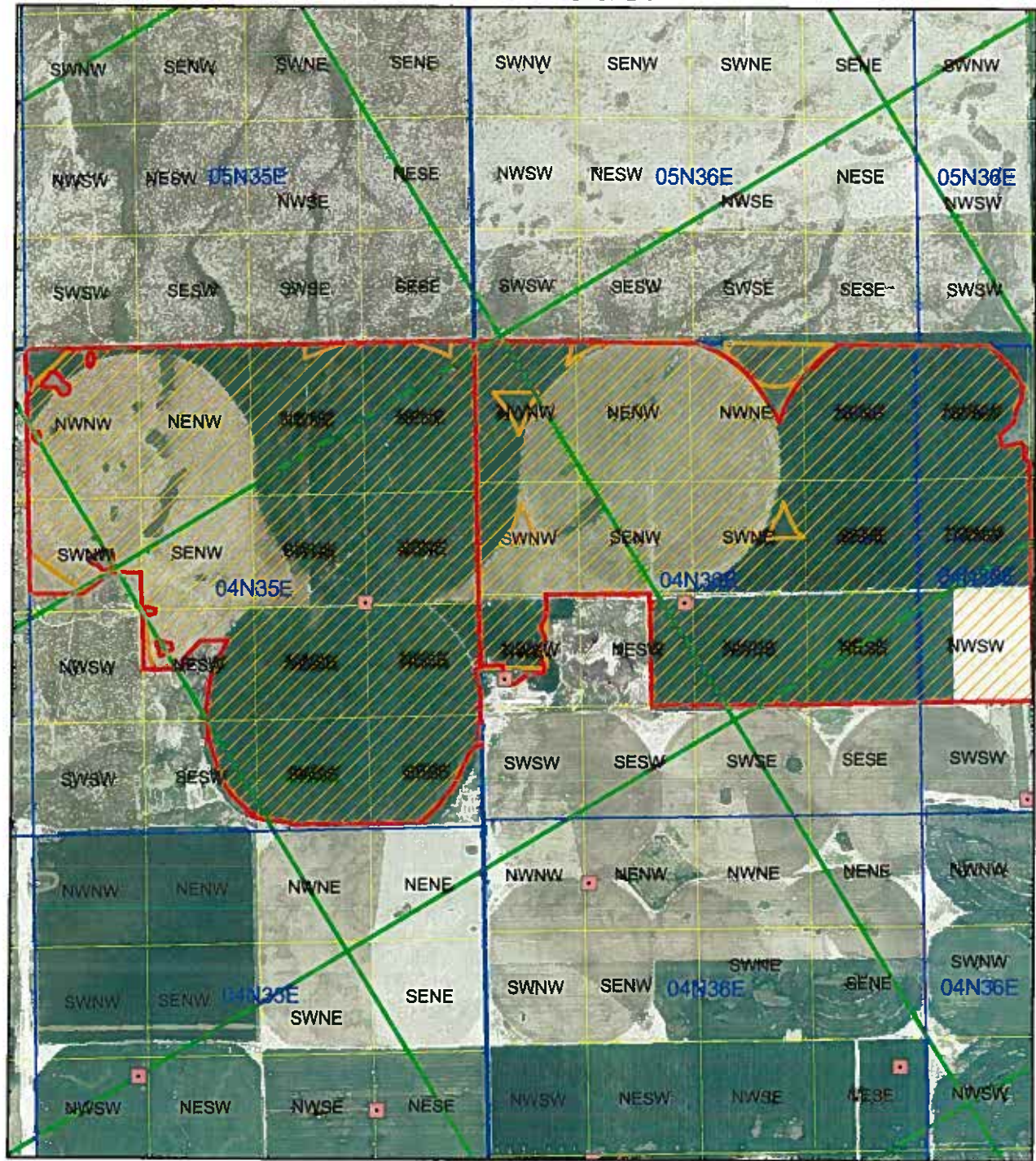
Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	35E	1	53.0	53.0	40.0	40.0	54.0	49.4	26.0	40.0	24.4			11.0	40.0	40.0	37.0	31.0	538.8
			L 1	L 2			L 3	L 4											

Total Acres: 538.8

77108

Transfer #77108

Kirt Schwieder



Legend

- Active Water Right POD
- Original POU
- New POU
- Township/Range
- Sections
- QQ
- ESPA modelgrid

0 0.2 0.4 0.8 Miles

N



77108

2009 Naip Imagery



March 22, 2011

Idaho Department of Water Resources
322 East Front Street
Boise, ID 83720

To Whom It May Concern:

This is in regards to the request from Kirt Schwieder and Jay Johnson to reallocate water shares with in the purposed legal description. Please see attached. All changes being made are with in the current mortgage with Farm Credit Services. Please use this letter as Northwest Farm Credit's approval to make these changes. You may contact me at our office in Idaho Falls at 208-552-2300 if you have any questions.

Thank You,

A handwritten signature in black ink, appearing to read "Steve Smith".

Steve Smith
Credit Officer

77108



Exhibit "A"

Real property in the County of Bingham, State of Idaho, described as follows:

PARCEL 1:

TOWNSHIP 2 SOUTH, RANGE 34 E.B.M., BINGHAM COUNTY, IDAHO

SECTION 19: N $\frac{1}{2}$, EXCEPT THE NORTH 25 FEET FOR ROAD..

PARCEL 2:

TOWNSHIP 2 SOUTH, RANGE 34 E.B.M., BINGHAM COUNTY, IDAHO

SECTION 19: S $\frac{1}{2}$, EXCEPT THE SOUTH 25 FEET FOR ROAD,

ALSO EXCEPT: BEGINNING AT A POINT ON THE SOUTH LINE OF SECTION 19 THAT IS 2391 FEET EAST OF THE SW CORNER, AND RUNNING THENCE NORTH 179.5 FEET; THENCE EAST 153 FEET; THENCE SOUTH 179.5 FEET; THENCE WEST 153 FEET TO THE POINT OF BEGINNING,

ALSO EXCEPT: BEGINNING AT A POINT ON THE SOUTH LINE OF SECTION 19 THAT IS 2554 FEET EAST OF THE SW CORNER, AND RUNNING THENCE NORTH 387.5 FEET; THENCE EAST 287 FEET; THENCE SOUTH 387.5 FEET; THENCE WEST 287 FEET TO POINT OF BEGINNING,

ALSO EXCEPT: BEGINNING AT THE SE CORNER OF SECTION 19, AND RUNNING THENCE NORTH 417.42 FEET; THENCE WEST 208.71 FEET; THENCE S. 45°00'00" W. 295.16 FEET; THENCE S. 208.71 FEET; THENCE EAST 417.42 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

BEGINNING AT THE SW CORNER OF THE NW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 34 E.B.M., BINGHAM COUNTY, IDAHO, AND RUNNING THENCE EAST 45 FEET; THENCE NORTH 30 FEET; THENCE WEST 45 FEET; THENCE SOUTH 30 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

BEGINNING AT A POINT ON THE EAST LINE OF A COUNTY ROAD THAT IS S. 0°01' W. ALONG THE SECTION LINE 1297.82 FEET AND S. 87°09'17" E. 30.77 FEET FROM THE NW CORNER OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 34 E.B.M., BINGHAM COUNTY, IDAHO, AND RUNNING THENCE S. 87°09'17" E. 40 FEET; THENCE SOUTH 40 FEET; THENCE N. 87°09'17" W. 40 FEET; THENCE NORTH 40 FEET TO THE TRUE POINT OF BEGINNING.

