

Transfer No. 76763

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

76763

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<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary       |
|--------------------------------------|--------------|-----------------------|---------------|---------------|--------------------------|
| <input type="checkbox"/> All or Part | 74-970C      | .35cfs                | Irrigation    | 3/15 to 11/15 | Hayden Creek/Lemhi River |
| <input type="checkbox"/>             |              |                       |               | to            |                          |
| <input type="checkbox"/>             |              |                       |               | to            |                          |
| <input type="checkbox"/>             |              |                       |               | to            |                          |
| <input type="checkbox"/>             |              |                       |               | to            |                          |
| <input type="checkbox"/>             |              |                       |               | to            |                          |
| <input type="checkbox"/>             |              |                       |               | to            |                          |
| <input type="checkbox"/>             |              |                       |               | to            |                          |
| <input type="checkbox"/>             |              |                       |               | to            |                          |
| <input type="checkbox"/>             |              |                       |               | to            |                          |

Total authorized under rights .35cfs cfs and/or 3.5 ac-ft

2. Total amount of water proposed to be transferred or changed                      cubic feet per second and/or                      acre-feet per annum.

3. Point(s) of Diversion: Add 2 new PODs & retain existing PODs as noted on Part 2 A Report  
☐ 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 # |
|-------|-----|---|----|----|-----|-----|-----|--------|--------------|---------------------|
| Yes   |     |   | SW | NE | 14  | 17N | 23E | Lemhi  | Hayden Creek | on-site POD #2      |
| Yes   |     |   | NW | NE | 14  | 17N | 23E | Lemhi  | Hayden Creek | on-site POD #1      |
|       |     |   |    |    |     |     |     |        |              |                     |
|       |     |   |    |    |     |     |     |        |              |                     |
|       |     |   |    |    |     |     |     |        |              |                     |

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 |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |

Total Acres (for irrigation use)                     

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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: Diversion system will include a 6" pipe with a 12hp pump (3-phase electric motor service panel)

- b. Who owns the property at the point(s) of diversion? Daniel Lee Tonsmeire and/or Christopher L. Tonsmeire  
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? **NO**  
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: \_\_\_\_\_

N/A

- 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: \_\_\_\_\_

- 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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Part 2A Report

Close

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

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8/11/2010

WATER RIGHT NO. 74-970C

| <u>Owner Type</u>      | <u>Name and Address</u>                                                           |
|------------------------|-----------------------------------------------------------------------------------|
| Current Owner          | CHRISTOPHER L TONSMEIRE                                                           |
| Current Owner          | DANIEL LEE TONSMEIRE<br>129 N BAYSHORE DR<br>EASTPOINT, FL 32328<br>(850)805-7787 |
| Directors Report Owner | FRANCES TONSMEIRE                                                                 |
| Directors Report Owner | JOSEPH TONSMEIRE<br>PO BOX 871<br>SALMON, ID 83467<br>(208)756-3959               |
| Original Owner         | CLARENCE SEHER                                                                    |
| Original Owner         | MADGE L SEHER<br>PO BOX 1124<br>SALMON, ID 83467                                  |

Priority Date: 04/01/1935

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| HAYDEN CREEK  | LEMHI RIVER      |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | 11/15     | 0.35 CFS              |               |
| Total Diversion       |             |           | 0.35 CFS              |               |

Location of Point(s) of Diversion:

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HAYDEN CREEK|NESW|Sec. 14|Township 17N|Range 23E|LEMHI County

HAYDEN CREEK|SWNE|Sec. 27|Township 17N|Range 23E|LEMHI County

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 17N      | 23E   | 14      |     | NWNE  | 6.6   |     |       |       |     |       |       |     |       |       |
|          |       |         |     | NENW  | 5     |     |       |       |     |       |       |     |       |       |

Total Acres: 11.6

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
2. R05 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. 74.
3. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. 004 This right does not grant any right-of-way or easement across the land of another.

Dates:

Licensed Date:

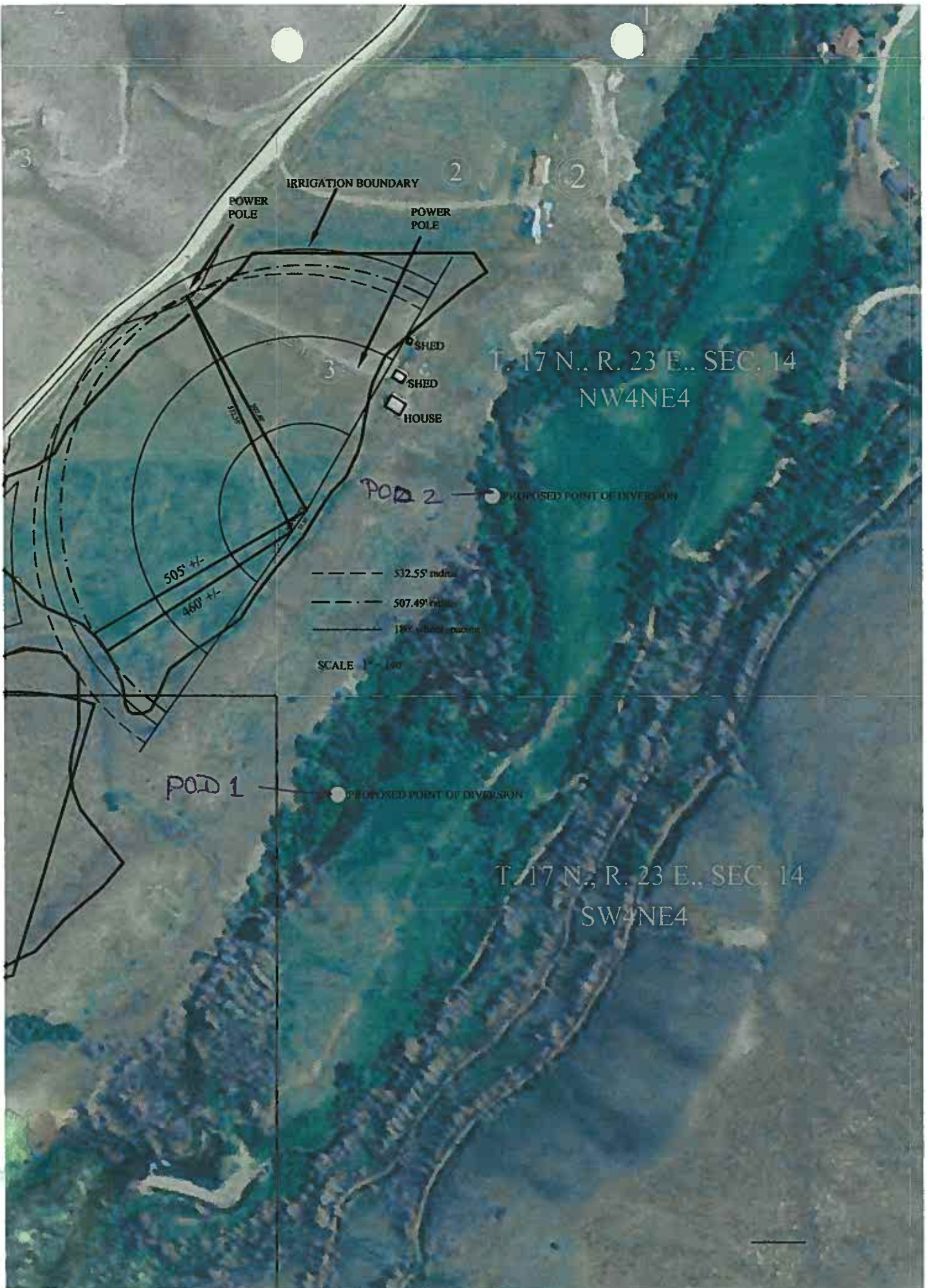
Decreed Date: 07/09/2007

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

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A H. A. H. M. R. 767637A

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 76763

RECEIVED

AUG 25 2010

Department of Water Resources  
Eastern Region

**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. 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](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 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/WaterManagement/WaterRights/WaterRightTransfers/wrt\\_default.htm](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: \_\_\_\_\_