

RECEIVED

JUN 18 2010

Department of Water Resources
Eastern RegionTransfer No. 76576
Receipt No. E035864

AMENDED

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

AMENDED

1. Applicant Information J REED CRIDDLE
PO BOX 84
DOWNEY ID 83234
(208)897-5271

Or

STEVEN CRIDDLE
PO BOX 84
DOWNEY ID 83234
(208)897-5556

Or

KEEDRIN CRIDDLE
PO BOX 84
DOWNEY ID 83234
(208)897-5556

Will this transfer result in an ownership change? ☐ Yes ☒ No**2. Current Water Right****Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
29-497A	WR/Decreed	0.02				NINEMILE CREEK

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
29-497A	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

Change the place of use to include different ground where an additional trough will be added with two faucets.

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

Page 2
N/A

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
29-497A	0.02 cfs			
TOTAL	0.02 cfs			

Transfer No. 76576
Receipt No.E035864

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.

Steven Biddle
(Signature of Applicant)

Owner
(Title or Office)

Kedni Biddle
(Signature of Applicant)

Co-owner
(Title or Office)

(Signature of Applicant)

(Title or Office)

Transfer No. 76576
Receipt No.E035864

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

Current Water Right No. 29-497A

Priority Date: June 01, 1879
Origin: Water Right
Basis: Decreed
Status: Active

Source: NINEMILE CREEK

Tributary: SINKS

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01 12/31	0.02 CFS		
	Total Diversion	0.02 CFS		

Source and Point(s) of Diversion:

NINEMILE CREEK SWNWSE Sec. 8 Twp 11S Rge 38E BANNOCK County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 37E 26									X	X							

Conditions/Remarks:

1. 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. The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. The quantity of water under this right shall not exceed 13,000 gallons per day.
4. Stockwater use is for 280 head cattle.
5. PIN: A PORTION OF R4433027002

Documentation of Ownership of the Current Place of Use

Owner per IDWR record and Bannock County taxlot data (updated March, 2010)

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

N/A

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. 76576

Receipt No.E035864

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

Proposed Water Right No. 29-497A

Priority Date: June 01, 1879

Origin: Water Right

Basis: Decreed

Status: Active

Source: NINEMILE CREEK

Tributary: SINKS

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01 12/31	0.02 CFS		
	Total Diversion	0.02 CFS		

Source and Point(s) of Diversion:

NINEMILE CREEK SWNWSE Sec. 8 Twp 11S Rge 38E BANNOCK County

Describe the proposed diversion system

Point of Diversion # 1 point of diversion to troughs

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 37E 26									X	X							
11S 37E 27				X													



Legend

-  Proposed POU
-  Township/Range
-  Sections
-  QQ

0 0.045 0.09 0.18 Miles



1 inch = 0.13 miles



2009 Aerial Photography

76576

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

76576

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.
- ☐ * 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.
- ☐ ☒ #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:

MAY 27 2010

Department of Water Resources
Eastern Region

76576

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant(s) Steve Criddle / Keedrin / J Reed Criddle Phone 208-897-5536Mailing address P.O. Box 84 Downey Id 83234 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 _____ Phone _____

Mailing address _____ Email RECEIVED

MAY 27 2010

Department of Water Resources
Eastern Region

- ☐ 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.

Steve Criddle
Signature of Applicant or Authorized Representative

Steve Criddle
Print Name and Title if applicable

5/24/10
Date

Keedrin Criddle
Signature of Applicant or Authorized Representative

Keedrin Criddle
Print Name and Title if applicable

5/24/10
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 Add additional Place of Use

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**. Add two faucets and one watering trough for the benefit of watering 180 head of cows. On different piece of ground.

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	29-497A	.020CFS	Stockwater	01/01 to 12/31	Ninemile Creek
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

RECEIVED
MAY 27 2010
Department of Water Resources
Eastern Region

Total authorized under rights _____ cfs and/or _____ 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:

- ☒ 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	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.) *Add Place of Use.*
☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11	37	27																	10

Total Acres (for irrigation use) _____

7657

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: DNA

- b. Who owns the property at the point(s) of diversion? Steve Criddle / Keedrin / J Reed Criddle
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: DNA

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: DNA

RECEIVED

MAY 27 2010

Department of Water Resources
Eastern Region

- 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: _____

existing place of use is TWP11 Rgc 37 Sec 26 SW4 NE4 NW4
add additional place of use as TWP11 Rgc 37 Sec 27
SE4 NE4. Two hydrants & one watering trough.

- 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: _____

RECEIVED^{of}

MAY 27 2010

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

76576

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

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

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ 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.:

DNA

RECEIVED

MAY 27 2010

Department of Water Resources
Eastern Region**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments.

Received by Bla Date 6/1/2010 Prelim. Check by Bla Date 6/1/2010

Fee Paid 100.00 Date 6/12/2010 Receipted by Bla Receipt # E035864

Add'l Fee Paid _____ Date _____ Receipted by _____ Receipt # _____

76578

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 29-497A V1

WATER RIGHT NUMBER: 29-497A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STEVEN CRIDDLE PO BOX 84 DOWNEY, ID 83234 (208)897-5556
Current Owner	KEEDRIN CRIDDLE PO BOX 84 DOWNEY, ID 83234 (208)897-5556
Current Owner	J REED CRIDDLE PO BOX 84 DOWNEY, ID 83234 (208)897-5271

Priority Date: 06/01/1879

Basis: Decreed

Status: Active

Source

NINEMILE CREEK

Tributary

Beneficial Use

STOCKWATER

From To

01/01 to 12/31

Diversion Rate

0.020 CFS

Annual Volume

Total Diversion: 0.020 CFS

Location of Point(s) of Diversion

NINEMILE CREEK
 BANNOCK County

SW1/4NW1/4SE1/4

Sec. 8, Twp 11S, Rge 38E, B.M.

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	37E	26																	
											X	X							

RECEIVED

MAY 27 2010

Department of Water Resources
 Eastern Region

Conditions of Approval:

- PIN: A PORTION OF R4433027002
- N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
- N13 The quantity of water under this right shall not exceed 13,000 gallons per day.

76576

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-497A V1

4. 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.
5. X02 Stockwater use is for 280 head cattle.

Remarks:

Comments:

1. shemenway 8/2/2008 SYSTEM

Comment: THIS SYSTEM BEGINS WITH TRANSFERRED RIGHT NO 928, , WHICH WAS TO ESTABLISH A POD, SINCE IT WAS UNKNOWN EXACTLY THE LOCATION. THE POD WAS CONSTRUCTED OF A COLLECTION BOX. THERE ARE 5 SPRINGS THAT FEED INTO THE COLLECTION BOX AT SECTION 8, AND THEN IS BURIED PIPE FROM THE COLLECTION BOX, AND ALL THE WAY THROUGH THE CLAIMANTS PROPERTY WHERE THERE IS A TAP PROVIDED BY THE CITY THAT MAKES THE WATER ACCESSABLE FOR THE CLAIMANT TO THE 4 STOCKWATER TROUGHS AND 3 HYDRANTS, BY MEANS OF 1 INCH BURIED LINE. A DOCUMENT IN THE FILES, DATED AUGUST 3, 1915, STATES THAT THE DOWNEY WATER COMPANY HAD A 12 FT WIDE STRIP OF LAND AS A RIGHT OF WAY, FOR THE BURIED PIPE LINE TO CONVEY THE WATER ACROSS NUMEROUS SUBDIVISIONS, AND ACROSS SECTION 26. IT ALSO STATED THAT W.J. AND ELIZA BYBEE, AND OTHERS WOULD RECEIVE THEIR WATER THROUGH THIS 6 INCH BURIED PIPE, FREE OF CHARGE, FOR THE DECREED WATER THEY WERE ENTITLED. BYBEE WAS THE ORIGINAL OWNER OF THE CLAIMANTS PROPERTY.

2. shemenway 9/3/2008 CFS

Comment: FROM THE 6 INCH MAIN WHERE THE CITY OF DOWNEY PIPED IN THE NINEMILE CREEK, THERE IS A 1 INCH LINE TO THE CLAIMANTS PROPERTY. THIS 1 INCH LINE SPLITS AND RUNS TO THE STOCKWATER 4 TROUGHS, AND 3 HYDRANTS. 1 INCH PIPE = A MAXIMUM CAPACITY OF 0.03 CFS, WHICH ALLOWS FOR THE DECREED AMOUNT CLAIMED OF 0.02 CFS.

3. shemenway 9/3/2008 POD

Comment: THE POD SELECTED WAS TAKEN FROM WATER RIGHT 29-4058, INDICATING THE POD WHICH WOULD BE CLOSEST TO THE COLLECTION BOX, AND WHICH WAS LOCATED AT T11S R38E SECTION 8 SWNWSE. THE CITY HAD MULTIPLE SPRINGS INCLUDED IN WITH THEIR WATER RIGHT, WHICH THEY PIPED IN, BUT ONLY ONE POD WAS USED FOR WATER RIGHT 29-497A, EVEN THOUGH BY THE TIME THE WATER IS PIPED TO THEIR PROPERTY, IT IS A COLLECTION OF FLOW FROM MULTIPLE SPRINGS MAKING UP NINEMILE CREEK.

4. shemenway 9/3/2008 TRIBUTARY

Comment: THERE IS NO TRIBUTARY, SINCE THE CITY PIPED IN THE NINE MILE CREEK, AND UTILIZES THE ENTIRE FLOW IN A BURIED PIPED SYSTEM.

5. shemenway 9/3/2008 OVERLAP

Comment: 29-2439 IS A GROUNDWATER SOURCE.

6. shemenway 9/3/2008 USE

Comment: 140 PAIR HEAD CATTLE.

RECEIVED
MAY 27 2010
Department of Water Resources
Eastern Region

Water Supply Bank:



Blue DOTS Hydrants 2 OF them
Green DOT Water Trough

RECEIVED
MAY 27 2010
Department of Water Resources
Eastern Region

76576