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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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WATER RESOURCES
WESTERN REGIONPT. OF WATER RESOURCES
SOUTHERN REGION**APPLICATION FOR TRANSFER OF WATER RIGHT
MINIMUM REQUIREMENTS CHECKLIST**

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. The instructions, fee schedule and water right proof report or details report for Part 2A of the transfer application are available from any Department office or on the Department's website @ <http://www.idwr.idaho.gov/>.

Yes N/A Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

■ Means this item is always required and should be included in application.

- ☒ ■ Completed Application for Transfer of Water Right form, Part 1.
- ☒ ■ Notarized signature of applicant(s) or applicant's authorized representative on first page of transfer application form. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ ■ Application for Transfer Part 2A. Attach a Proof Report (obtained from Department) or Details Report (obtained on website) describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B/C for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ ■ 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. (See last page of the application for transfer instructions.)

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 Department 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, attach documentation showing land and/or 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/water/rights/>.
- ☐ ☒ #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 water right(s) or land affected by the proposed transfer. (See Part 1.5.b.)
- ☒ ■ #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 describe 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 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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WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1a

Name of Applicant Robert R. and/or Marjorie D. Boren Boren Phone 208-342-4368Mailing address 1002 E. Bannock, Boise, ID 83702 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, 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**.

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.

Lori Graves, with SPF Water Engineering, is authorized to make modifications to this application during processing on behalf of applicant,


Signature of Applicant or Authorized Representative

Robert R. Boren
Print Name and Title if applicable

- ☐ If signed by authorized representative, attach Power of Attorney or documentation providing authority to sign on the applicant's behalf. Also attach documentation providing authority for others—consultants, attorneys or representatives—to act on the applicant's behalf. Label documents Attachment #4.

Representative's name and mailing address Lori Graves, SPF Water EngineeringPhone 208-383-4140 Email lgraves@spf.com

Subscribed and sworn to before me this _____ day of _____, 2009

(Notary Public)

My commission expires _____

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**.

Correct the decreed legal description of applicants' irrigation place of use. As confirmed by Custer County Assessor, applicants own 3.8 acres with 0.5 acre located in the NWSE and the remaining 3.3 acres located in the NESE. Water right 72-2073D authorizes 2.0 acres irrigation on applicants' parcel, however lists all the place of use in the NWSE. To clarify the discrepancy, applicants propose 2 acres irrigation within their 3.8-acre property boundary.

Note: the associated GIS shape file created by the department for decree 72-2073D indicates the majority of the irrigation place of use in the NESE, however, irrigation in this tract was not listed on the actual decree record.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

<u>1. Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
72-2073D	0.07 cfs	Irrigation	4/1 to 10/31	Gardner Creek trib to Salmon River
			to	
			to	
			to	
			to	
			to	
			to	
			to	
			to	

2. Total amount of water being transferred 0.07 cubic feet per second and/or n/a acre-feet per annum.

3. Point(s) of Diversion:

☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion within ESPA.
Label it Attachment #5.

Lot	¼ NW	¼ SW	¼ NE	Sec	Twp	Rge	County	Local Name for Diversion
				30	11N	16E	Custer	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	16E	30													3.3	.5			3.8

(Limited to 2.0 acres irrigation within a 3.8-acre permissible place of use)

Total Acres (for irrigation use) 3.8

**STATE OF IDAHO
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**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:

Headgate, ditch

Lockable controlling works can be installed per IDWR standards should they be required.

- b. 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. Label it **Attachment #6**. List the name of the entity and type of lien:

n/a

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.

- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

n/a

- d. 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:

None

- e. 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, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

Total Acres _____

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

2/25/2009

WATER RIGHT NO. 72-2073D

Owner Type	Name and Address
Current Owner	MARJORIE D BOREN
Current Owner	ROBERT R BOREN
	1002 E BANNOCK
	BOISE, ID 83702
	(208)342-4368

Priority Date: 12/12/1930
 Basis: Decreed
 Status: Active

Source	Tributary
GARDNER CREEK	SALMON RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	0.07 CFS	
Total Diversion			0.07 CFS	

Location of Point(s) of Diversion:

GARDNER CREEK|NWSWNE|Sec. 30|Township 11N|Range 16E|CUSTER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
11N	16E	30		NWSE	2									

Total Acres: 2

Conditions of Approval:

1. 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.
2. PROPERTY IS ALSO KNOWN AS TRACT 1433, H.E.S. 322.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. RIGHT NO. 72-02073A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Dates:

Licensed Date:

Decreed Date: 06/16/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: Or

Fee Amount _____ Date _____ Received by _____ Receipt # _____

ATTACHMENT 7a

PROPOSED PPU

**T11N R16E
Section 30**

2006 Aerial Photo



Legend

-  Point of Diversion
-  Proposed PPU (Boren Parcel)
-  40-acre Tracts

Attachment 7a



0 260 520 Feet



**SPF WATER
ENGINEERING**

ATTACHMENT 7b

CURRENT P/U

**T11N R16E
Section 30**

2006 Aerial Photo

All 2 acres irrigation decreed within the NWSE 40-acre tract rather than within both the NWSE & NESE Tracts



Legend

-  Point of Diversion
-  IDWR GIS Shape File
-  Decreed 40-acre Tract

Attachment 7b



0 280 560
Feet

