

Form 1-222
12-92STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Cell Phone

1. Name of Applicant Kirk Egbert Phone (208) 663-4505 / 352-4505Mailing Address 1401 E 1300 N, Terreton, ID 83450

c/o Keith C. Wilson Rocky Mountain Environmental Associates, Inc.

482 Constitution, Ste 303

(208) 524-2353

Idaho Falls, ID 83402

Fax 208) 524-1795

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 Change in Ownership2. Describe the reason for the proposed changes: Purchase of right to transfer to new place of use.

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

1. Right Number Priority Amount Nature of Use Period of Use

31-11947	04/01/1932	1.08 cfs	Irrigation	04/01 to 10/31
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2. Total amount of water being transferred 1.08 cubic feet per second and/or ___ acre-feet per annum.3. Source of water Ground water tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local Name for Diversion
		NW	NW	1	7N	37E	JEFFERSON	
		NW	NE	2	7N	37E	JEFFERSON	

5. Lands irrigated or place of use: 42.9 acres within 272.9 ac.

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
7N	37E	1					33.1 L-3	33.4 L-4	35	35									136.5
		2	33.4 L-1	33.0 L-2	35	35													136.4

Total Acres 272.9

74797

PART 1

6. General Information:

- a. Description of diversion system: Wells, pumps, mainlines to two center pivots
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ☐ Yes ☒ No If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Place of use will not be irrigated.
- d. Remarks: ESPA Analysis of right 31-11947 requires mitigation that will be provided by the reduction of acres from 44.8 acres & 156.8 afa to 42.9 acres & 150.2 afa (150.15 afa). The proposed change in this water right will mitigate for the proposed transfer so that the Calculated Effects do not exceed the allowable 2.0 ac-ft/trimester.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Right No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 20__

for the Director



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

WATER RIGHT NO. 31-11947

<u>Owner Type</u>	<u>Name and Address</u>		
Current Owner	WILMA PETERSEN	Representative	CORY PETERSEN
	2973 WILD ROSE CT		1980 N 2500 E
	IDAHO FALLS, ID 83402		HAMER, ID 83425
	(208)524 5863		(208)662-5467

Priority Date: 04/01/1932

Basis: Decreed

Status: Active

Source Tributary
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.13 CFS	156.8 AFA

Total Diversion 1.13 CFS

Location of Point(s) of Diversion:

GROUND WATER NENWSE Sec. 26 Township 07N Range 36E JEFFERSON County

Place of Use Legal Description: IRRIGATION JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	36E	25		SWSW	0.3									
		26		NESE	2.1		NWSE	7		SWSE	3.7		SESE	25
		35		NENE	6.7									

Total Acres: 44.8

Conditions of Approval:

- 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.
1. T19

Decreed Date: 02/22/2002

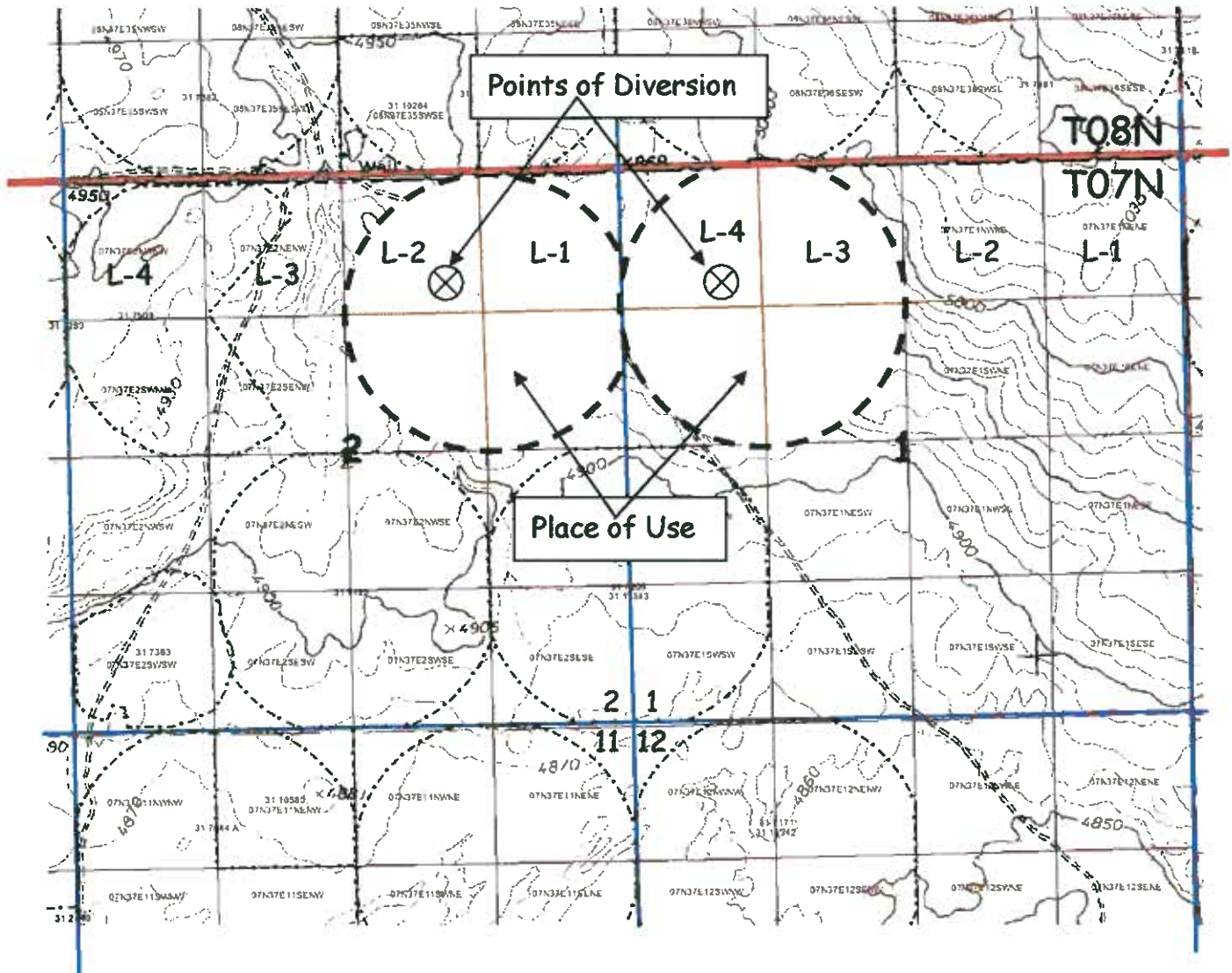
Water District Number: 110

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

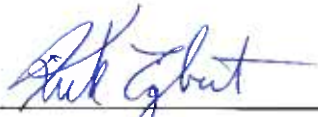


PART 3

B. CHANGES IN NATURE OF USE N/A

1. New Nature of Use Amount (cfs/af-ac) Hours/days/year Period of use
- _____ cfs _____ to _____
- _____ cfs _____ to _____
2. Quantity and quality of return flows and location of discharge: _____
3. Describe effects on other water uses resulting from the proposed change: _____

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 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.

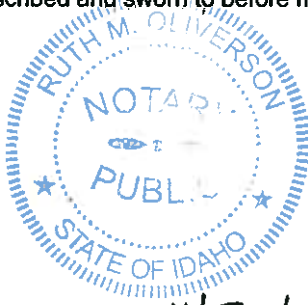


(Signature of Applicant)



Print Name (and title, if applicable)

Subscribed and sworn to before me this 8 day of May, 2008.



(Notary Public)

My Commission expires: 11/30/2010

FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and 9 attachments

Received by _____ Date _____ Protest filed by _____

Prelim check by _____ Fee 512/08

Receipted by Judson Star Date 290 00 E034032

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ By _____

Copy of transfer sent to lien holder _____

ESPA Ground Water Rights Transfer Spreadsheet Data Summary

TRANSFER NO:	PREPARED BY: Rocky Mountain Environmental Associates - Keith C. Wilson
TRANSFER NAME: Egbert 42.9 ac	DATE: 5/5/2008

Transfer Tool Version **Version 3.1**

WATER RIGHTS INVOLVED:

Group 1		Group 2	
Transfer Rights		Additional Mitigation Rights	
Right No.	Priority Date	Right No.	Priority Date
31-11947	4/1/1932		

HISTORIC BENEFICIAL USE:

Trans/Mit. Rights (group no.)	Acres to Dry Up (ac)	Beneficial Use (afa/yr)	Total (af/yr)
1	44.8	3.5	156.8

MODEL CELL LOCATIONS:

	TO WELL	FROM1 WELL	FROM2 WELL	FROM3 WELL
ROW	44	45	0	0
COLUMN	176	168	0	0

Mitigation:

Reduce Acres From: 44.8 ac to 42.9 ac
Reduce Volume From: 156.8 afa to 150.2 afa

	Start Date		End Date		Water Use		Acres Authorized (acres)	Notes
	Season	Year	Season	Year	Annual (af/yr)	Trimester (af/trimester)		
TO Well (Projected Use)	Spring	2009	Winter	2081	150.2	50.1	42.9	42.9 ac, 150.15 afa, 50.05 af/tri = 50.1 af/tri
FROM1 Well (With Transfer)	Spring	1932	Winter	2006	156.8	52.3	44.8	31-11947 156.8 afa, 52.3 (52.26) af/tri 44.8 acres
FROM1 Well (Without Transfer)	Spring	1932	Winter	2081	156.8	52.3	44.8	31-11947 156.8 afa, 52.3 (52.26) af/tri 44.8 acres

74797

74797

ENHANCED GROUND-WATER RIGHTS TRANSFER SPREADSHEET**UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE****IDAHO DEPARTMENT OF WATER RESOURCES**ENTER STARTING DATE FOR
SIMULATION. THEN PUSH
"UPDATE DATES" BUTTON

TRANSFER NO: _____

YEAR **1932**TRANSFER NAME: **Egbert 42.9 ac**SEASON **Spring**

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	44	45	0	0
COLUMN	176	168	0	0

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL	
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 1932	0	52	52
SUM 1932	0	52	52
WIN 1932	0	52	52
SPR 2006	0	52	52
SUM 2006	0	52	52
WIN 2006	0	52	52
SPR 2007	0	0	52
SUM 2007	0	0	52
WIN 2007	0	0	52
SPR 2008	0	0	52
SUM 2008	0	0	52
WIN 2008	0	0	52
SPR 2009	50	0	52
SUM 2009	50	0	52
WIN 2009	50	0	52
SPR 2081	50	0	52
SUM 2081	50	0	52
WIN 2081	50	0	52

Value = 50.1 ac-ft/trimester
(50.05 ac-ft/tri)

Value = 52.3 ac-ft/trimester
(52.26 ac-ft/trimester)



Change Ratio**Egbert Transfer ESPA Analysis****42.9 acres**

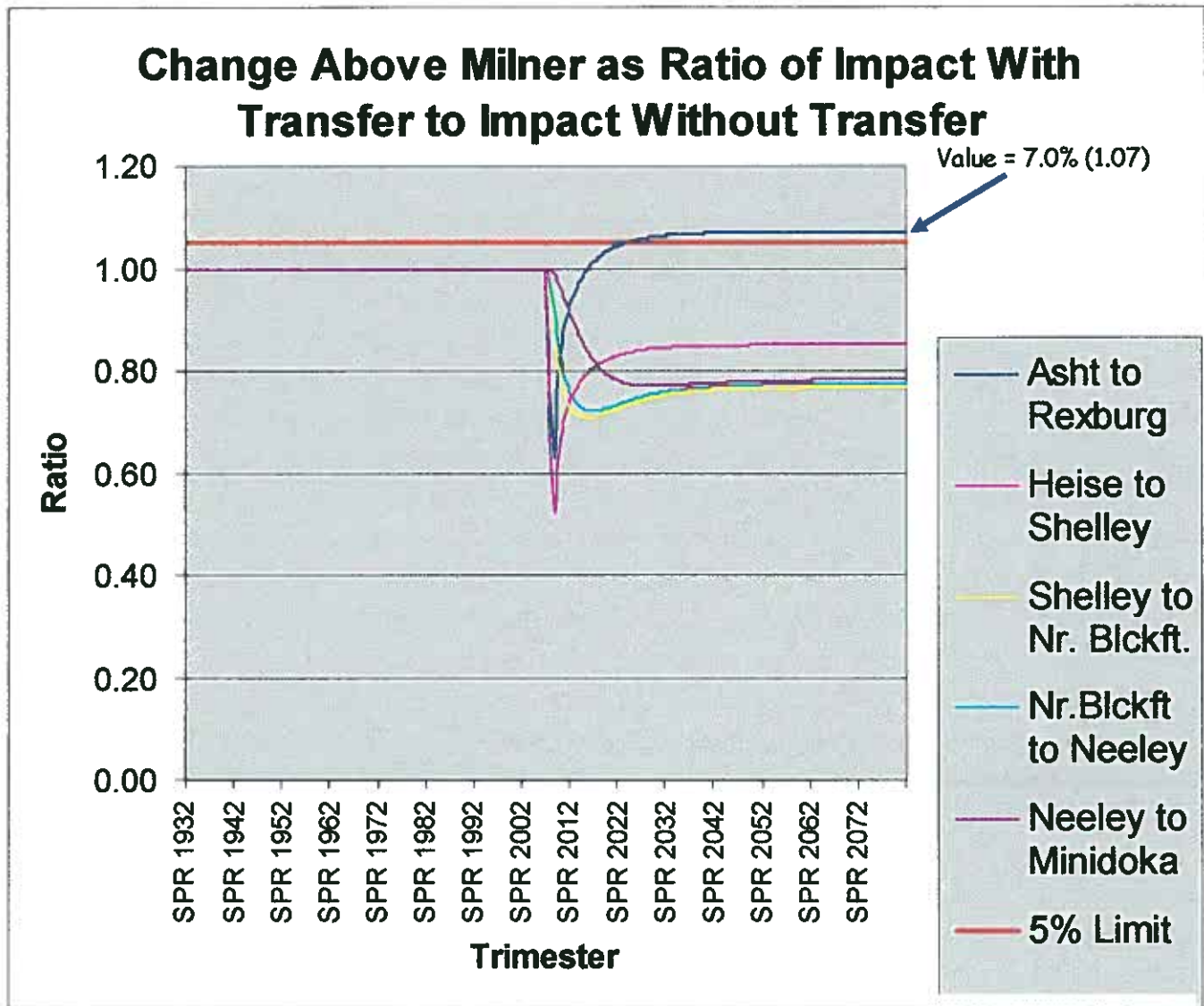
Period	Asht to Rex	Heise to Shelley	Shelley to Nr. Blickft.	Nr.Blickft to Neeley	Neeley to Minidoka	DWB to Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancr.
WIN 2006	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%
SPR 2007	0.93	0.90	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%
SUM 2007	0.85	0.78	0.98	0.99	1.00	1.00	1.00	1.00	1.00	1.00	100.0%
WIN 2007	0.78	0.69	0.97	0.98	1.00	1.00	1.00	1.00	1.00	1.00	100.0%
SPR 2008	0.72	0.62	0.94	0.96	1.00	1.00	1.00	1.00	1.00	1.00	100.0%
SUM 2008	0.67	0.57	0.91	0.94	0.99	1.00	1.00	1.00	1.00	1.00	100.0%
WIN 2008	0.63	0.52	0.88	0.92	0.99	1.00	1.00	1.00	1.00	1.00	99.9%
SPR 2009	0.70	0.56	0.85	0.89	0.98	1.00	1.00	1.00	1.00	1.00	99.9%
SUM 2009	0.77	0.61	0.83	0.87	0.98	1.00	1.00	1.00	1.00	1.00	99.8%
WIN 2009	0.81	0.64	0.80	0.85	0.97	1.00	1.00	1.00	1.00	1.00	99.7%
SPR 2010	0.84	0.67	0.79	0.83	0.96	0.99	0.99	0.99	1.00	1.00	99.6%
SPR 2012	0.93	0.74	0.73	0.76	0.91	0.97	0.97	0.97	0.98	0.98	97.8%
SPR 2014	0.97	0.78	0.71	0.73	0.87	0.94	0.94	0.94	0.94	0.94	94.8%
SUM 2015	0.99	0.79	0.71	0.72	0.84	0.92	0.92	0.92	0.92	0.92	92.6%
WIN 2015	1.00	0.80	0.71	0.72	0.84	0.91	0.91	0.91	0.91	0.91	92.1%
SPR 2016	1.00	0.80	0.71	0.72	0.83	0.91	0.91	0.91	0.91	0.91	91.5%
SUM 2016	1.01	0.80	0.71	0.72	0.83	0.90	0.90	0.90	0.90	0.90	91.0%
SPR 2018	1.02	0.81	0.71	0.72	0.81	0.87	0.87	0.87	0.87	0.87	88.5%
SPR 2020	1.03	0.82	0.72	0.73	0.79	0.85	0.85	0.85	0.85	0.85	85.9%
SPR 2021	1.04	0.83	0.72	0.73	0.78	0.84	0.84	0.84	0.84	0.84	84.8%
SPR 2022	1.04	0.83	0.73	0.73	0.78	0.83	0.83	0.83	0.83	0.83	83.9%
SUM 2022	1.05	0.83	0.73	0.74	0.78	0.82	0.82	0.82	0.82	0.82	83.6%
WIN 2022	1.05	0.83	0.73	0.74	0.78	0.82	0.82	0.82	0.82	0.82	83.3%
SPR 2024	1.05	0.84	0.73	0.74	0.77	0.81	0.81	0.81	0.81	0.81	82.4%
SPR 2025	1.05	0.84	0.74	0.74	0.77	0.80	0.80	0.80	0.80	0.80	81.8%
SUM 2025	1.05	0.84	0.74	0.74	0.77	0.80	0.80	0.80	0.80	0.80	81.6%
WIN 2025	1.06	0.84	0.74	0.75	0.77	0.80	0.80	0.80	0.80	0.80	81.4%
SPR 2026	1.06	0.84	0.74	0.75	0.77	0.80	0.80	0.80	0.80	0.80	81.3%
WIN 2032	1.06	0.85	0.75	0.76	0.77	0.78	0.78	0.78	0.78	0.78	79.5%
SPR 2033	1.07	0.85	0.75	0.76	0.77	0.78	0.78	0.78	0.78	0.78	79.5%
SPR 2038	1.07	0.85	0.76	0.77	0.77	0.78	0.78	0.78	0.78	0.78	79.1%
SUM 2038	1.07	0.85	0.76	0.77	0.77	0.78	0.78	0.78	0.78	0.78	79.1%
SPR 2081	1.07	0.85	0.77	0.78	0.78	0.79	0.79	0.79	0.79	0.79	78.8%
SUM 2081	1.07	0.85	0.77	0.78	0.78	0.79	0.79	0.79	0.79	0.79	78.8%
WIN 2081	1.07	0.85	0.77	0.78	0.78	0.79	0.79	0.79	0.79	0.79	78.8%

The Ashton to Rexburg Reach is the most effected reach by this proposed transfer. The depletion reaches 5.0% (1.05) in Summer 2022, but the Calculated Effect is only 1.3 ac-ft/trimester. The depletion increases in Winter 2025 to 6.0% (1.06) and reaches 7% (1.07) in Spring 2033. The Calculated Effects reaches 2.0 ac-ft/trimester in Winter 2038, and does not exceed 2.0 ac-ft/trimester though trimester of activity Winter 2081.

Graph:

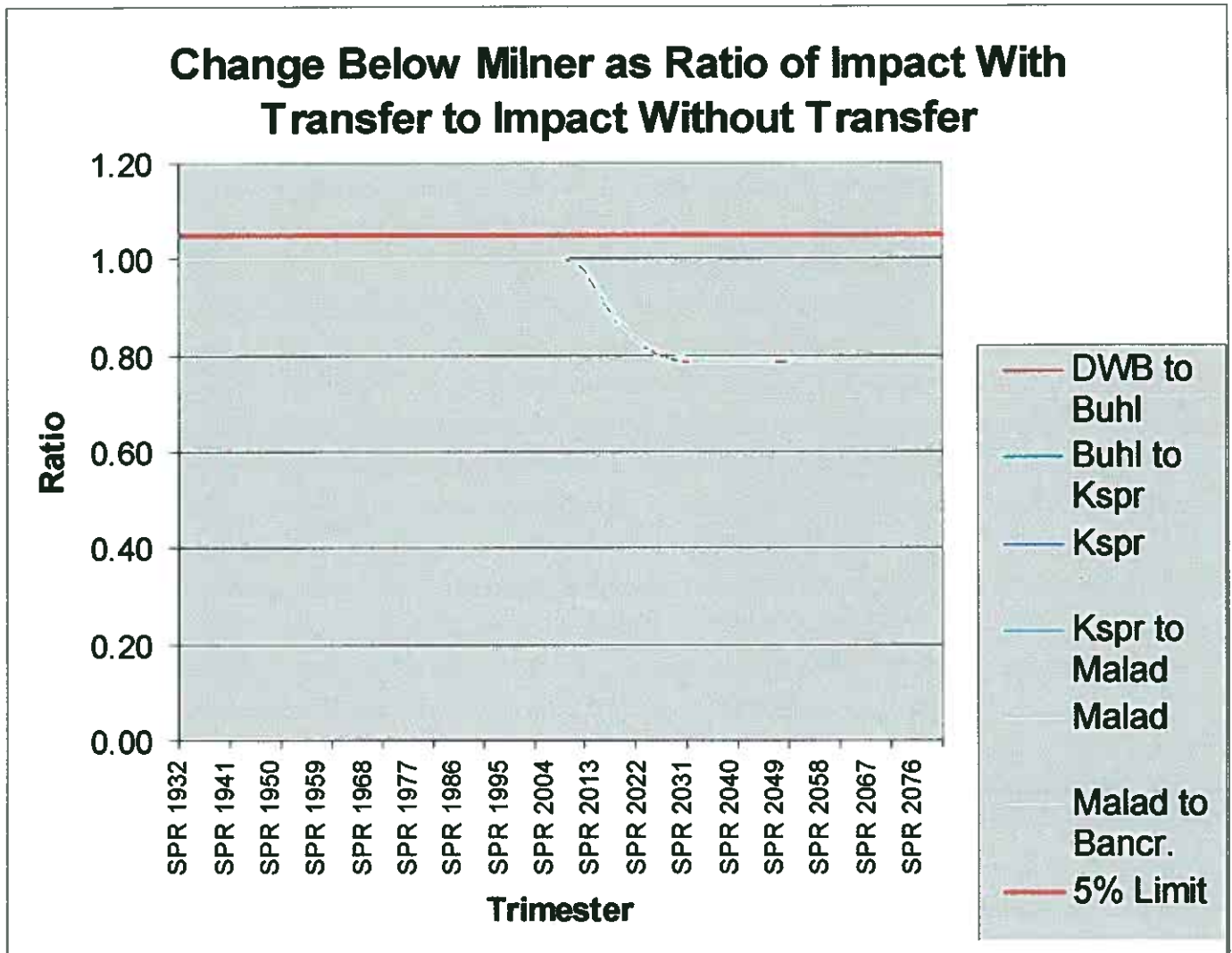
Egbert Transfer ESPA Analysis

42.9 acres



The graph above indicates that the Ashton to Rexburg exceeds the 5.0% limit; however, the Calculated Net Effect does not exceed the allowable 2.0 ac-ft/trimester.

Graph: Egbert Transfer ESPA Analysis 42.9 acres



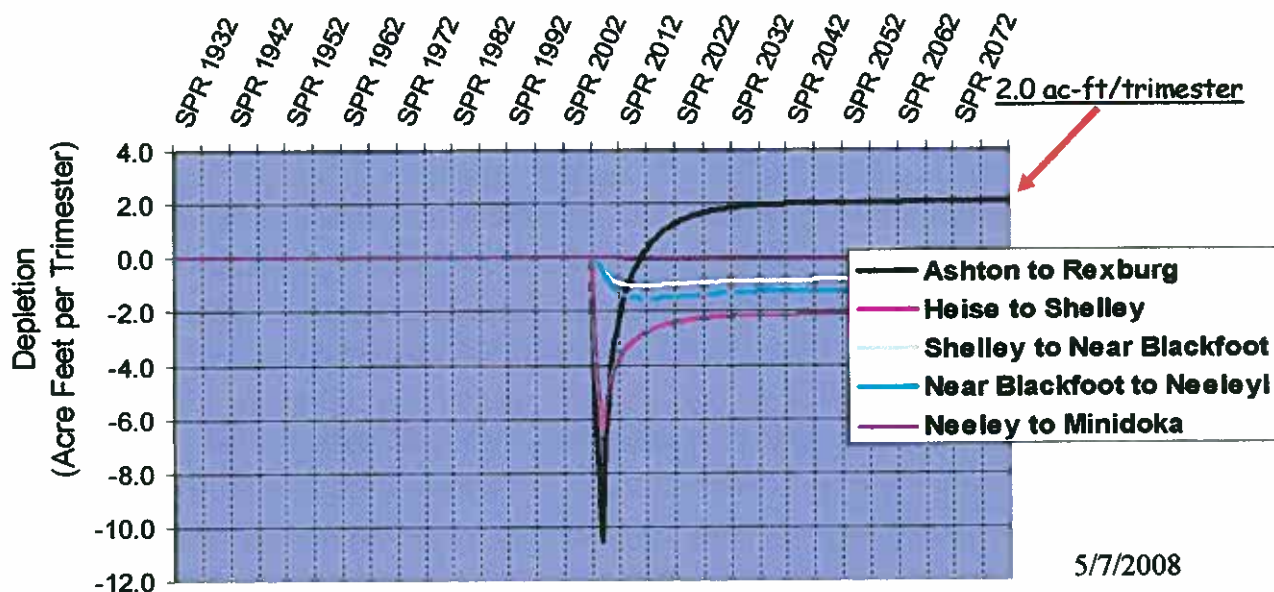
Ratio on chart above indicates a Net positive effect that is a reduction in depletion.

Calculated Effects Egbert Transfer ESPA Analysis 42.9 acres**Net transfer Effect (AF/four months)**

Period	Asht to Rex	Heise to Shelley	Shelley to Nr. Bickft.	Nr. Bickft to Neeley	Neeley to Minidoka	DWB to Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancr.
SPR 2006	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2007	-2.0	-1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2008	-7.9	-5.4	-0.2	-0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2009	-8.5	-6.2	-0.5	-0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2011	-3.1	-4.0	-0.9	-1.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2012	-2.1	-3.6	-1.0	-1.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2013	-1.3	-3.3	-1.0	-1.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2014	-0.7	-3.1	-1.0	-1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2015	-0.3	-3.0	-1.0	-1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2015	0.0	-2.9	-1.0	-1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2016	0.1	-2.8	-1.0	-1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2017	0.4	-2.7	-1.0	-1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2018	0.6	-2.6	-1.0	-1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2019	0.8	-2.6	-1.0	-1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2019	0.9	-2.5	-1.0	-1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2020	1.0	-2.5	-1.0	-1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2021	1.1	-2.4	-1.0	-1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2022	1.3	-2.4	-1.0	-1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2022	1.3	-2.4	-1.0	-1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2023	1.4	-2.4	-1.0	-1.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2024	1.5	-2.3	-1.0	-1.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2025	1.5	-2.3	-0.9	-1.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2025	1.6	-2.3	-0.9	-1.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2025	1.6	-2.3	-0.9	-1.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2026	1.6	-2.3	-0.9	-1.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2027	1.7	-2.2	-0.9	-1.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2028	1.7	-2.2	-0.9	-1.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2032	1.8	-2.2	-0.9	-1.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2032	1.9	-2.2	-0.9	-1.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2032	1.9	-2.2	-0.9	-1.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2033	1.9	-2.2	-0.9	-1.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2034	1.9	-2.2	-0.9	-1.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2035	1.9	-2.2	-0.9	-1.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2037	1.9	-2.1	-0.9	-1.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2038	1.9	-2.1	-0.9	-1.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2038	2.0	-2.1	-0.9	-1.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2038	2.0	-2.1	-0.9	-1.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2081	2.0	-2.1	-0.8	-1.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2081	2.0	-2.1	-0.8	-1.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2081	2.0	-2.1	-0.8	-1.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0

The Ashton to Rexburg Reach is the most effected reach by this proposed transfer. The Calculated Net Effect for this reach reaches 2.0 ac-ft/trimester Summer 2038, and remains 2.0 ac-ft/trimester through the Trimester of Activity of Winter 2081, even though the Change Ratio is 1.07 or 7.0%.

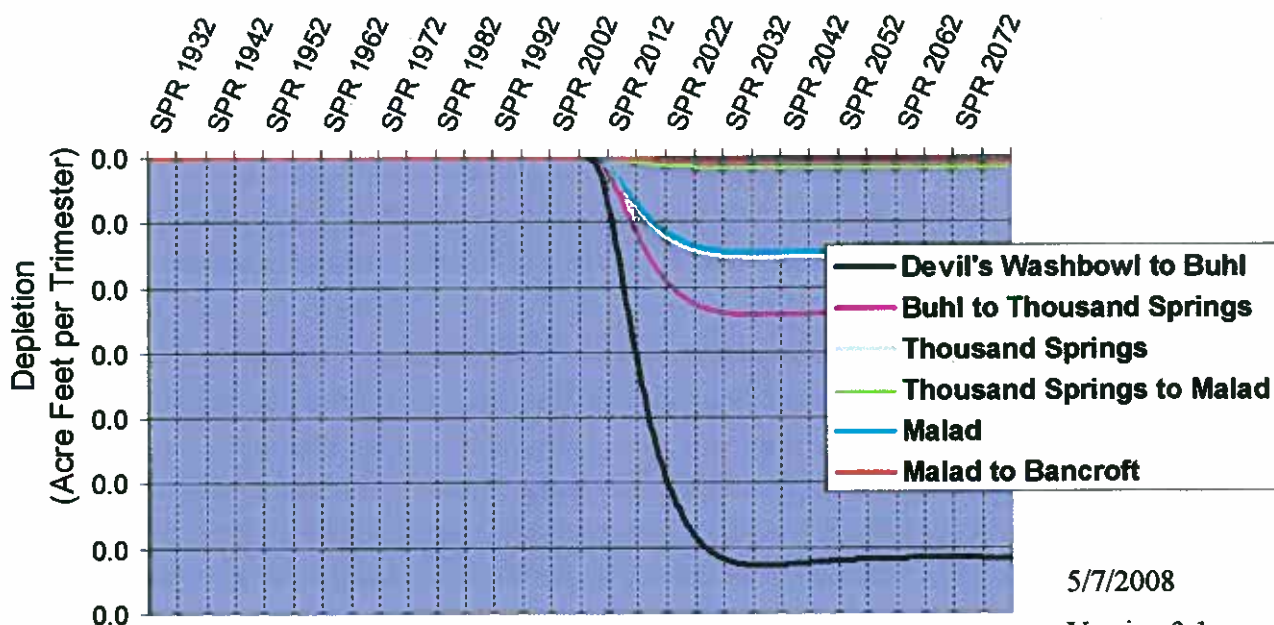
Net Transfer Effect Above Milner (Total Effect With Transfer - Total Effect Without Transfer)



Customer Name: Egbert_42.9

Transfer No:

Net Transfer Effect Below Milner (Total Effect With Transfer - Total Effect Without Transfer)



Customer Name: Egbert_42.9

Transfer No:

Film No. 367014
March 28-2008
 At 1126 O'Clock P.M.
CHRISTINE BOULTER
 Jefferson County Recorder OK Deputy
 Fee \$ 6
 Recorded at Request of Kirk Egbert

**QUITCLAIM DEED FOR
WATER RIGHTS**

THIS INDENTURE is made this 26 day of March, 2008, between Wilma Peterson of 2973 Wild Rose Ct., Idaho Falls, ID 83402, referred to herein as the "GRANTOR" and Kirk Egbert of 1401 E 1300 N. Terreton, ID 83450, referred to as the "GRANTEE",

WITNESSETH, that the GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described water rights or portions thereof in the County of Jefferson, State of Idaho, to-wit:

Water Right No. 31-11947

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

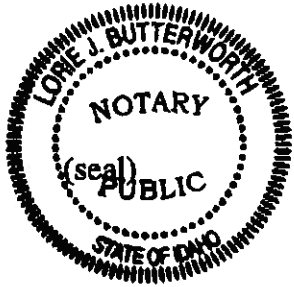
IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

Wilma Petersen
Wilma Petersen

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 26th day of March, 2008, before me, the undersigned, a notary public in and for said State, personally appeared Wilma Petersen, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



CAWPDATARM_EgbertQuickclaim deed.1.fmucdv

Lorie J. Butterworth
Notary Public for Idaho
Residing at Bonneville, Idaho
My Commission Expires: _____

MY COMMISSION EXPIRES
April 26, 2013
BONDED THROUGH THE IDAHO JUDICIAL BRANCH