

Should questions arise during the processing of this application please contact:
ERO Resources Corp. (208) 373-7983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
MAR 06 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Name of applicant Edward and Janice Johnson Phone (208) 377-4104

Post Office address 12828 W. La Salle St. #100 Boise, ID 83713

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 the reason for the proposed changes Water right 47-17105 was generated with the approval of transfer number 70405. The original Application for Transfer (70405) was inadvertently filed with an inaccurate place of use description. This submittal seeks to correct the error and provide the correct place of use.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>47-17105</u>	<u>12/16/1963</u>	<u>0.68 / 160</u>	<u>IRRIGATION</u>	<u>3/15 to 11/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.68 cubic feet per second and/or 160 acre-feet per annum.
3. Source of water Unnamed Stream tributary to Salmon Falls Creek
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	SW	NE	SE	31	8S	14E	TWIN FALLS	
	SE	NW	NW	32	8S	14E	TWIN FALLS	

5. Lands irrigated or place of use:

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	
8S	14E	32					34	6											40

Total acres 40

PART 1

6. General Information:

- a. Description of diversion system See attached remarks
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ____ Yes X 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: No change will be made, see remarks.
- d. Remarks: See attached remarks

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
 And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

Close

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommended Right Report

03/02/2007

WATER RIGHT NO. 47-17105

Owner Type	Name and Address
Current Owner	EDWARD A JOHNSON
Current Owner	JANICE JOHNSON 12828 W LA SALLE ST #100 BOISE, ID 83713 (208)377-4104
Original Owner	BELL RAPIDS MUTUAL IRRIGATION CO 388 E 5900 N HAGERMAN, ID 83332 (208)837-6241

Priority Date: 12/16/1963

Basis: License

Status: Active

Source	Tributary
UNNAMED STREAM	SALMON FALLS CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	0.68 CFS	160 AFA
Total Diversion			0.68 CFS	

Location of Point(s) of Diversion:

UNNAMED STREAM	SWNESE	Sec. 31	Township 08S	Range 14E	TWIN FALLS County
UNNAMED STREAM	SENWNW	Sec. 32	Township 08S	Range 14E	TWIN FALLS County

Place(s) of use:

Place of Use Legal Description: IRRIGATION TWIN FALLS County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08S	14E	32		NENW	8		NWNW	32						

Total Acres: 40

Conditions of Approval:

1.		In relation to water rights from the Snake River, the date of priority for this right is December 16, 1963. In relation to other water rights on Salmon Falls Creek and its tributaries, the date of priority for this right is advanced to March 10, 2003, except that the priority date shall be December 16, 1963, when (1) all rights from the Snake River and its tributaries upstream from Govt. Lot 2 (SE1/4NE1/4) of Sec. 16, T7S, R13E, that are junior to any other rights from Salmon Falls Creek and its tributaries have been curtailed to supply senior priority rights on the Snake River; and (2) all junior rights on Salmon Falls Creek and its tributaries also have been curtailed to supply senior priority rights on the Snake River.
2.	T08	Failure of the right holder to comply with the conditions of transfer 70405 is cause for the Director to rescind approval of the transfer.
3.	WB9	Water shall not be diverted under this right when flows in the Snake River are below established minimum flow amounts at any of the following locations: Weiser, 4750 cfs; Johnson Bar, 5000 cfs; Lime Point 13,000 cfs.
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.	WB4	The total instantaneous diversion of water from all points of diversion under Right 47-17150 shall not exceed 0.68 cfs, nor a total combined annual volume of 160 af.
6.	R31	This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands described.
7.		RIGHT 47-17105 IS A PORTION OF FORMER RIGHT 02-2278.
8.	01Q	After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
9.	T07	The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Dates:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

PART 2

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 _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

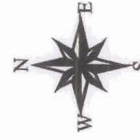
Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total acres _____

Water Right 47-17105 Correct Place of Use
(Edward Johnson - Twin Falls County)



- Correct POU
- Townships
- Sections



0 1 2 Miles

PART 3**B. CHANGES IN NATURE OF USE**

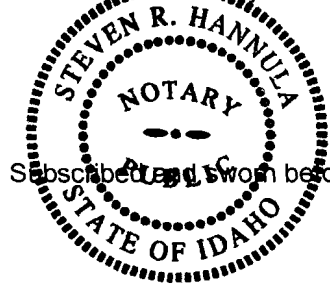
1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

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 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.



Edward C. Chumbe

(Signature of Applicant)

Subscribed and sworn before me this 2nd day of March, 2007.

Steve R. Hannula

(Notary Public)

My commission expires 8-18-11

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by DI Date 3-6-07 Protest filed by _____

Prelim. Check by _____ Fee \$250 5029346

Receipted by DI Date 3-6-07

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

**Remarks for Application for Transfer
For Water Right 47-17105
in the name of Edward and Janice Johnson**

This application for transfer is submitted to modify the place of use (PU) of water right 47-17105.

Water right 47-17105 was formed by the approval of transfer 70405. The PU description on the water right is accurate to what was submitted for transfer 70405, however, it was discovered during the adjudication that the PU description was incorrect on the original application. Because the wrong PU description is the fault of the applicant, there is no administrative avenue available to solve this without filing another application for transfer. The correct PU is a very simple modification to the existing description. The correct PU should be 34 acres in the NENW and 6 acres in the NWNW all in Section 32, T8S, R14E, Twin Falls County (40 acres total).

There will be no change to the two points of diversion (PD) or the use of the water. As described in the remarks of transfer 70405, PD#1 is spring flow originating in Sec 6, T9S, R14E to be collected in Sec 31, T8S, R14E approximately $\frac{3}{4}$ mile from Salmon Falls Creek. PD#2 is an existing pond within a wastewater channel. The wastewater flowing through this channel discharges to Salmon Falls Creek. These PD are described as unnamed streams on the water right.