

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 71132

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant	Timothy P. Deeg	Phone	208 226-5588
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Post Office address 2597 Deeg Road American Falls, ID 83211

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion X ☐ Add diversion point X ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes Create a permissible place of use for (3)
water rights, provide flexibility in irrigation management and add a point of
diversion

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>41-7030</u>	<u>01/02/1978</u>	<u>1.4/504</u>	<u>Irrigation</u>	<u>4-1</u> to <u>10-31</u>
	<u>41-7034</u>	<u>04/07/1978</u>	<u>1.82/364</u>	<u>Irrigation</u>	<u>4-1</u> to <u>10-31</u>
	<u>41-7071</u>	<u>07/13/1983</u>	<u>0.12/44</u>	<u>Irrigation</u>	<u>4-1</u> to <u>10-31</u>
	<u>41-7071</u>	<u>07/13/1983</u>	<u>0.04/1.2</u>	<u>Domestic</u>	<u>1-1</u> to <u>12-31</u>

2. Total amount of water being transferred 3.34 cubic feet per second and/or 912 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

[illegible]

5. Lands irrigated or place of use: See attached USGS Quad and Photo map

[illegible]

PART 1

6. General Information:

- a. Description of diversion system Well, Pipelines and sprinkler systems

- 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 effect on the land now irrigated if the place of use is changed pursuant to this transfer:
None

- d. Remarks:
Application proposes to create a permissible place of use and allow felxibility in
irrigation management.

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 _____, 19 _____

Page _____ of _____

Transfer No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

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APR 14 2003

Department of Water Resources
Southern Region

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice

☐ Warranty Deed

☐ Other _____

3. Source of water _____ tributary to _____

4. Date of priority _____

5. Water is used for the following purpose:

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

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

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	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

Current Water Right No. 41-7071

Priority Date: 07/13/1983

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER

Tributary to:

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	1/01	12/31	0.04 CFS	1.2 AFA	
IRRIGATION	4/01	10/31	0.12 CFS	44.0 AFA	
Total Diversion			0.12 CFS	45.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSE 09S 31E 6 POWER

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 31E 6																11.0	11.0

Total Acres: 11

Conditions/Remarks:

- Domestic use is for 1 home.
- The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
- The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
- 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 above.

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

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Department of Water Resources
Southern Region

Current Water Right No.: 41-7071

Documentation of Ownership of the Current Place of Use:

See attached tax notices

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Yes - see attached letter from Ireland Bank.

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer.

None

To your knowledge, has any portion of the water right undergone a period of five (5) or more consecutive years of non-use?

No

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 41-7030

Priority Date: 01/02/1978

Origin: Adjudication Recommendation

Basis: License

Status: Active

Source: GROUND WATER

Tributary to:

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	1.40 CFS	441.0 AFA	
Total Diversion		1.40 CFS	441.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWSE 09S 30E 6 POWER

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	30E	1	25.0	29.0	36.0	36.0												126.0	

Total Acres: 126

Conditions/Remarks:

- USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.68 CFS. COMBINED RIGHT NOS.: 41-07071, 41-07034, 41-07081 & 41-07076.
- 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.

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

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Department of Water Resources
Southern Region

Current Water Right No.: 41-7030

Documentation of Ownership of the Current Place of Use:

See attached tax notices

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Yes - see attached letter from Ireland Bank.

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer.

None

To your knowledge, has any portion of the water right undergone a period of five (5) or more consecutive years of non-use?

No

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 41-7034**Priority Date:** 04/07/1978**Origin:** Adjudication Recommendation**Basis:** License**Status:** Active**RECEIVED****APR 14 2003**Department of Water Resources
Southern Region**Source:** GROUND WATER**Tributary to:**

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	1.82 CFS	364.0 AFA	
Total Diversion		1.82 CFS	364.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWSE 09S 31E 6 POWER

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 30E 12									22.8				22.7		22.8	22.7	91.0

Total Acres: 91

Conditions/Remarks:

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.68 CFS. COMBINED RIGHT NOS.: 41-07071, 41-07030, 41-07081 & 41-07076
2. 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.

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

Current Water Right No.: 41-7034

Documentation of Ownership of the Current Place of Use:

See attached tax notices

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

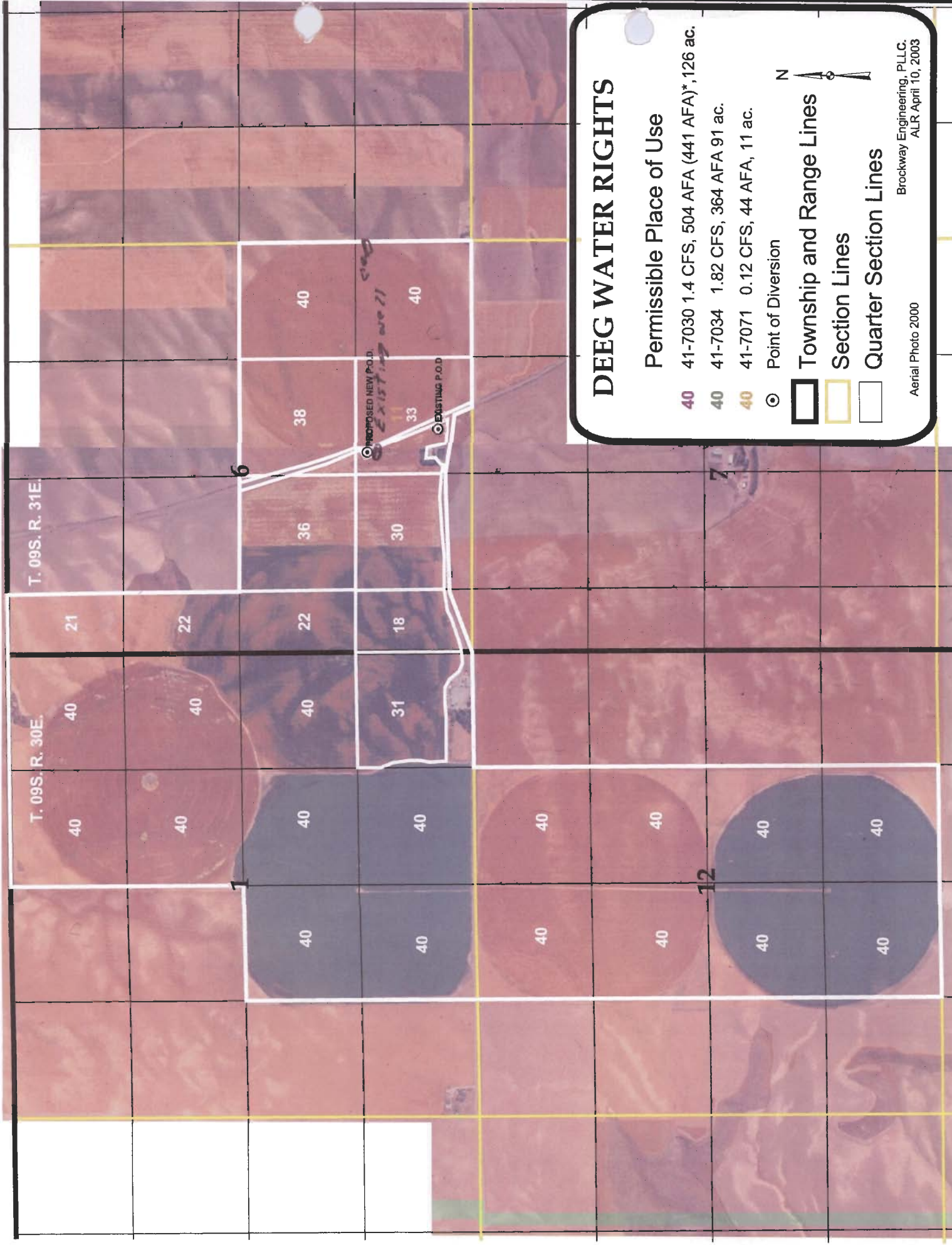
Yes - see attached letter from Ireland Bank.

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer.

None

To your knowledge, has any portion of the water right undergone a period of five (5) or more consecutive years of non-use?

No

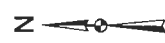


DEEG WATER RIGHTS

Permissible Place of Use

- 40 41-7030 1.4 CFS, 504 AFA (441 AFA)*, 126 ac.
- 40 41-7034 1.82 CFS, 364 AFA 91 ac.
- 40 41-7071 0.12 CFS, 44 AFA, 11 ac.

Point of Diversion



Township and Range Lines

Section Lines

Quarter Section Lines

Brockway Engineering, PLLC.
ALR April 10, 2003

Aerial Photo 2000

[illegible]

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

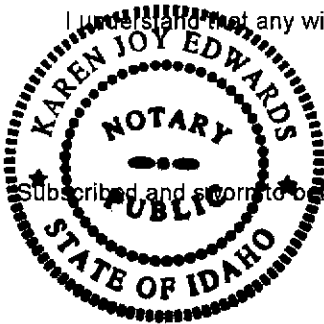
1.

<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:
 None _____

3. Describe the effects on other water uses resulting from the proposed change:
 None _____

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.



Subscribed and sworn to before me this _____

8th

day of

November

10, 2002

Scott P. Deery
(Signature of Applicant)

Karen Joy Edwards
(Notary Public)

My commission expires

8/2/06

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by J. F. Date 4-14-03

Protest filed by _____

Prelim. check by J. F. Fee 370

Receipted by J. F. Date 4-29-03

5025775 Note: Transfer not complete until 4-29-03

Published in _____

Copies of protest forwarded by J. F.

Pub. dates _____

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ Approval ☐ Denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

Narrative in Support of Water Right Transfer
Timothy P. Deeg
Power County
Water Rights 41-7030, 41-07034, and 41-7071
Prepared by C.E. Brockway P.E. PhD.
April 8, 2003

The Deeg farm is located in Sections 1 and 12 T9S R 30E and Section 6 T9S 31E Power, County. The irrigated area consists of five (five) center pivot sprinkler systems, wheel lines and hand lines.

The water supply for the farm is available under five (5) ground water permits and rights. Ground water is supplied to the farm primarily from a single irrigation well located in the SW1/4 SE1/4 Sec 6 T9S R31E. A second point of diversion under water right 41-7071 allows diversion of irrigation water from either a domestic well or the main irrigation well, but the domestic well has not been used continuously as the source of irrigation water for this right.

The various water rights were obtained through permit applications and through two recent transfers T4268 and T5120 from the Nelson property in Section 28 T10S R31E.

Transfer T4268 provides 1.4 cfs for 126 acres under water right 41-07030 in the NE1/4 of Section 1 T9S R30E with a limitation of 441 AFA at the headgate. Transfer T5120 provides 1.82 cfs for 91 acres under water right 41-07034 in Section 12 T9S R30E. The Nelson water rights are being leased by Tim Deeg and there is no certainty that they can be purchased immediately or would be available for long term lease. Table 1 shows a synopsis of the three (3) water rights.

Table 1 Summary of Water Rights-Deeg Farm

Number	Discharge	Volume	Acres	Limitations
41-7030	1.4	504	126	3.5 ac ft/ac (441 AFA)
41-7034	1.82	364	91	4ac ft/ac
41-7071	0.12	44	11	.02 cfs/ac, 4.0 ac ft/ac, domestic .04 cfs

Water management on the Deeg farm includes both selection of crop types and prioritization of areas to be irrigated each year depending on the expected water supply. It would provide flexibility to the farm irrigation operation to allow selection of specific areas to be irrigated each year within the irrigable area of the farm. An additional point of diversion is being requested in the event the existing irrigation well cannot produce the allowed discharge.

Therefore, it is proposed to structure a permissible place of use consisting of 1011 acres as shown on the attached aerial photo. Under the three water rights, the allowable acreage is 228 acres with a total discharge limited to 3.34 cfs. The allowable annual diversion volume is limited to four (4.0) ac ft/ac and, on the 228 acres, would allow 912 AFA.

The permissible place of use will allow the selection of irrigated acreage in any one year, up to 228 acres under these three (3) rights, to tailor acreage to water supply. For instance, a likely scenario could be to rotate the pivots in Section 12 T9S R30 each year since this pivot can be moved easily; however, other scenarios might be more justified.

The proposed transfer would therefore structure a permissible place of use as shown on the attached map of 1011 acres with an allowable irrigated area in any one year of 228 acres utilizing 3.34 cfs from the irrigation well⁵ and ^{ced} diverting no more than 912 AFA (4.0 ac ft/ac). The additional well, if necessary, in the SE1/4 SW1/6 Sec 6 T9S 30E will allow additional discharge capacity up to allowed rates and integrate with the existing distribution system.