

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 86513**

This is to certify that: CRIS G DAVIS AND
LAURETTA M DAVIS
PO BOX 76
DOWNEY, ID 83234

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
29-10131	WR/DECREED	6/1/1885	1.700 cfs	N/A	N/A	141.0	REESE CREEK, SOUTH FORK REESE CREEK
29-10133	WR/DECREED	5/15/1930	0.540 cfs	N/A	N/A	141.0	REESE CREEK, SOUTH FORK REESE CREEK
29-13381	WR/DECREED	11/23/1912	N/A	12.0 af	29.0	76.0	SOUTH FORK REESE CREEK
29-14506	WR/DECREED	4/1/1911	1.700 cfs	N/A	N/A	141.0	SOUTH FORK REESE CREEK
29-2155	WR/DECREED	11/8/1912	0.580 cfs	N/A	29.0	76.0	SOUTH FORK REESE CREEK
29-2295C	WR/DECREED	11/27/1950	1.000 cfs	N/A	N/A	50.0	MARSH CREEK
29-520	WR/DECREED	4/1/1911	1.700 cfs	N/A	N/A	141.0	SOUTH FORK REESE CREEK

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
29-2219	WR/DECREED	7/28/1919	2.500 cfs	N/A	140.0	163.0	MARSH CREEK, POND

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
29-10131	NO	YES	YES	YES	YES	NO
29-10133	NO	YES	YES	NO	NO	NO
29-13381	NO	YES	YES	NO	NO	NO
29-14506	NO	YES	YES	YES	NO	NO
29-2155	NO	YES	YES	NO	NO	NO
29-2295C	NO	NO	YES	NO	NO	NO
29-520	NO	YES	YES	NO	NO	NO

Transfer No. 86513

SUPPORT DATA
IN FILE # 29-520

SCANNED
MAR 10 2023

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

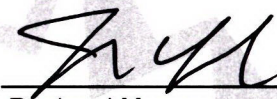
**TRANSFER OF WATER RIGHT
TRANSFER NO. 86513**

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
29-10131	29-10131	1.700 cfs	N/A	141.0	170.0	N/A	N/A	N/A	N/A	N/A
29-10133	29-10133	0.540 cfs	N/A	141.0	170.0	N/A	N/A	N/A	N/A	N/A
29-13381	29-13381	1.020 cfs	12.0 af	N/A	76.0	N/A	N/A	N/A	N/A	N/A
29-14506	29-14506	1.700 cfs	20.0 af	N/A	141.0	N/A	N/A	N/A	N/A	N/A
29-2155	29-2155	0.580 cfs	N/A	29.0	170.0	N/A	N/A	N/A	N/A	N/A
29-2295C	29-2295C	1.000 cfs	N/A	N/A	50.0	N/A	N/A	N/A	N/A	N/A
29-520	29-520	1.700 cfs	N/A	141.0	170.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		4.840 cfs	N/A	220.0	220.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 9th day of March, 2023.



Regional Manager

Transfer No. 86513

SUPPORT DATA
IN FILE # 29-520

SCANNED
MAR 10 2023

WATER RIGHT NO. 29-10131**As Modified by Transfer No. 86513**

In accordance with the approval of Transfer No. 86513, Water Right No. 29-10131 is now described as follows:

Right Holder: LAURETTA M DAVIS OR
CRIS G DAVIS
PO BOX 76
DOWNEY, ID 83234

Priority Date: 6/1/1885

Source: SOUTH FORK REESE CREEK
Source: REESE CREEK

Tributary: MARSH CREEK
Tributary: MARSH CREEK

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 04/19	1.120 cfs
IRRIGATION	04/20	to 06/19	1.310 cfs
IRRIGATION	06/20	to 11/01	1.700 cfs
			1.700 cfs

LOCATION OF POINT(S) OF DIVERSION

SOUTH FORK REESE CREEKNESE	Sec 21 Twp 11S Rge 36E	BANNOCK County	(I)
REESE CREEK SENE	Sec 22 Twp 11S Rge 36E	BANNOCK County	
SOUTH FORK REESE CREEKSENE	Sec 22 Twp 11S Rge 36E	BANNOCK County	(R)
SOUTH FORK REESE CREEKSWSW	Sec 28 Twp 11S Rge 36E	BANNOCK County	

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	23	0.2	0.4	40.0	6.4					31.0	3.0					13.0		94.0
11S	36E	26	37.0	39.0															76.0

Right Acre Limit: 141.0

POU Total Acres: 170.0

CONDITIONS OF APPROVAL

1. Rights 29-520 and 29-10131 when combined shall not exceed a total diversion rate of 1.7 cfs.
2. Rights 29-520, 29-10131 and 29-10133 when combined shall not exceed a total diversion rate of 2.24 cfs and the irrigation of 141 acres.
3. Rights 29-520, 29-2155, 29-10131 and 29-10133 when combined shall not exceed the irrigation of 170 acres.
4. Rights 29-520, 29-2155, 29-2219, 29-10131 and 29-10133 when combined shall not exceed the irrigation of 257 acres.

Transfer No. 86513

SCANNED
MAR 10 2023

WATER RIGHT NO. 29-10131

As Modified by Transfer No. 86513

CONDITIONS OF APPROVAL

5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 29H.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 29-2295C**As Modified by Transfer No. 86513**

In accordance with the approval of Transfer No. 86513, Water Right No. 29-2295C is now described as follows:

Right Holder: LAURETTA M DAVIS OR
CRIS G DAVIS
PO BOX 76
DOWNEY, ID 83234

Priority Date: 11/27/1950

Source: MARSH CREEK

Tributary: PORTNEUF RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

1.000 cfs

1.000 cfs

LOCATION OF POINT(S) OF DIVERSION

MARSH CREEK

SWNE

Sec 14 Twp 11S Rge 36E BANNOCK County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	14			19.0											15.0	12.5		46.5
11S	36E	23		3.5															3.5

POU Total Acres: 50.0

CONDITIONS OF APPROVAL

1. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 29H.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
4. This right does not grant any right-of-way or easement across the land of another.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 86513

SCANNED
MAR 10 2023

WATER RIGHT NO. 29-2295C
As Modified by Transfer No. 86513

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 29-10133**As Modified by Transfer No. 86513**

In accordance with the approval of Transfer No. 86513, Water Right No. 29-10133 is now described as follows:

Right Holder: LAURETTA M DAVIS OR
CRIS G DAVIS
PO BOX 76
DOWNEY, ID 83234

Priority Date: 5/15/1930

Source: SOUTH FORK REESE CREEK
Source: REESE CREEK

Tributary: MARSH CREEK
Tributary: MARSH CREEK

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 11/01 **Diversion Rate**
0.540 cfs
0.540 cfs

LOCATION OF POINT(S) OF DIVERSION

SOUTH FORK REESE CREEKNESE	Sec 21 Twp 11S Rge 36E	BANNOCK County	(I)
REESE CREEK SENE	Sec 22 Twp 11S Rge 36E	BANNOCK County	
SOUTH FORK REESE CREEKSENE	Sec 22 Twp 11S Rge 36E	BANNOCK County	(R)
SOUTH FORK REESE CREEKSWSW	Sec 28 Twp 11S Rge 36E	BANNOCK County	

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	23	0.2	0.4	40.0	6.4					31.0	3.0				13.0			94.0
11S	36E	26	37.0	39.0															76.0

Right Acre Limit: 141.0

POU Total Acres: 170.0

CONDITIONS OF APPROVAL

1. Rights 29-520, 29-10131 and 29-10133 when combined shall not exceed a total diversion rate of 2.24 cfs and the irrigation of 141 acres.
2. Rights 29-520, 29-2155, 29-10131 and 29-10133 when combined shall not exceed the irrigation of 170 acres.
3. Rights 29-520, 29-2155, 29-2219, 29-10131 and 29-10133 when combined shall not exceed the irrigation of 257 acres.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 29H.

Transfer No. 86513

SCANNED
MAR 10 2023

WATER RIGHT NO. 29-10133

As Modified by Transfer No. 86513

CONDITIONS OF APPROVAL

5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 29-2155**As Modified by Transfer No. 86513**

In accordance with the approval of Transfer No. 86513, Water Right No. 29-2155 is now described as follows:

Right Holder: LAURETTA M DAVIS OR
CRIS G DAVIS
PO BOX 76
DOWNEY, ID 83234

Priority Date: 11/8/1912

Source: SOUTH FORK REESE CREEK **Tributary:** MARSH CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	0.580 cfs
			0.580 cfs

LOCATION OF POINT(S) OF DIVERSION

SOUTH FORK REESE CREEKNESE	Sec 21 Twp 11S Rge 36E	BANNOCK County	(I)
SOUTH FORK REESE CREEKSENE	Sec 22 Twp 11S Rge 36E	BANNOCK County	(R)
SOUTH FORK REESE CREEKSWSW	Sec 28 Twp 11S Rge 36E	BANNOCK County	

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	23	0.2	0.4	40.0	6.4					31.0	3.0					13.0		94.0
11S	36E	26	37.0	39.0															76.0

Right Acre Limit: 29.0

POU Total Acres: 170.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 29 acres within the authorized place of use in a single irrigation season.
2. Rights 29-520, 29-2155, 29-10131 and 29-10133 when combined shall not exceed the irrigation of 170 acres.
3. Rights 29-520, 29-2155, 29-2219, 29-10131 and 29-10133 when combined shall not exceed the irrigation of 257 acres.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 29H.

Transfer No. 86513

SCANNED
MAR 10 2023

WATER RIGHT NO. 29-2155

As Modified by Transfer No. 86513

CONDITIONS OF APPROVAL

5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 29-13381**As Modified by Transfer No. 86513**

In accordance with the approval of Transfer No. 86513, Water Right No. 29-13381 is now described as follows:

Right Holder: CRIS G DAVIS OR
LAURETTA M DAVIS
PO BOX 76
DOWNEY, ID 83234

Priority Date: 11/23/1912

Source: SOUTH FORK REESE CREEK **Tributary:** MARSH CREEK

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION FROM STORAGE	04/01	to 10/31		12.0 af
IRRIGATION STORAGE	01/01	to 12/31		12.0 af
DIVERSION TO STORAGE	01/01	to 12/31	1.020 cfs	
			1.020 cfs	12.0 af

LOCATION OF POINT(S) OF DIVERSION

SOUTH FORK REESE CREEKSWNE	Sec 14 Twp 11S Rge 36E	BANNOCK County	(R)
SOUTH FORK REESE CREEKNESE	Sec 21 Twp 11S Rge 36E	BANNOCK County	(I)
SOUTH FORK REESE CREEKSENE	Sec 23 Twp 11S Rge 36E	BANNOCK County	(I)
SOUTH FORK REESE CREEKSWNE	Sec 23 Twp 11S Rge 36E	BANNOCK County	(R)
SOUTH FORK REESE CREEKSWSW	Sec 28 Twp 11S Rge 36E	BANNOCK County	

PLACE OF USE: IRRIGATION FROM STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	14			19.0											15.0	12.5		46.5
11S	36E	23	0.2	3.9	40.0	6.4					31.0	3.0				13.0			97.5
11S	36E	26	37.0	39.0															76.0

POU Total Acres: 220.0

PLACE OF USE: IRRIGATION STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	23													X				

CONDITIONS OF APPROVAL

1. Rights 29-13381 and 29-14506 when combined shall not exceed the irrigation of 220 acres. These rights are used to augment the water supply for the acres irrigated under water rights 29-520, 29-2155, 29-2295C, 29-10131 and 29-10133.

Transfer No. 86513

SCANNED
MAR 10 2023

WATER RIGHT NO. 29-13381

As Modified by Transfer No. 86513

CONDITIONS OF APPROVAL

2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 29H.
3. The right holder shall install lockable controlling works and totalizing measuring devices on the Marsh Creek Pump, located in the SWNE of Section 14, T11S, R36E, the Pond Pump, located in the NESE of Section 23, T11S, R36E, and the pipeline conveying water from the storage pond to Marsh Creek.
4. In any year, after the 7/28/1919 priority date is curtailed on Marsh Creek, all diversions from the Marsh Creek Pump, located in the SWNE of Section 14, T11S, R36E, shall be considered irrigation from storage under water rights 29-13381 and 29-14506; and all diversions from the Pond Pump, located in the NESE of Section 23, T11S, R36E, above and beyond the quantity of water injected into the pond from Reese Creek under valid rights, shall be considered irrigation from storage under water rights 29-13381 and 29-14506.
5. Rights 29-13381 and 29-14506 in combination authorize the storage of 32 acre-feet. In any year, after the 32 acre-feet has been delivered for irrigation use, the Marsh Creek Pump, located in the SWNE of Section 14, T11S, R36E, shall be curtailed, and the Pond Pump, located in the NESE of Section 23, T11S, R36E, shall be limited to the amount of water injected into the pond from Reese Creek under valid rights, unless the right holder moves additional water rights to the points of diversion.
6. If the Marsh Creek irrigation rights associated with the Marsh Creek Pump, located in the SWNE of Section 14, T11S, R36E, are curtailed, the pump shall be limited to the rate and volume of water injected into Marsh Creek from the storage pond described in water rights 29-13381 and 29-14506.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 29-520**As Modified by Transfer No. 86513**

In accordance with the approval of Transfer No. 86513, Water Right No. 29-520 is now described as follows:

Right Holder: CRIS G DAVIS OR
LAURETTA M DAVIS
PO BOX 76
DOWNEY, ID 83234

Priority Date: 4/1/1911

Source: SOUTH FORK REESE CREEK **Tributary:** MARSH CREEK

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 11/01

Diversion Rate

1.700 cfs

1.700 cfs

LOCATION OF POINT(S) OF DIVERSION

SOUTH FORK REESE CREEK NESE
SOUTH FORK REESE CREEK SENE
SOUTH FORK REESE CREEK SWSW

Sec 21 Twp 11S Rge 36E BANNOCK County (I)
Sec 22 Twp 11S Rge 36E BANNOCK County (R)
Sec 28 Twp 11S Rge 36E BANNOCK County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	23	0.2	0.4	40.0	6.4					31.0	3.0					13.0		94.0
11S	36E	26	37.0	39.0															76.0

Right Acre Limit: 141.0

POU Total Acres: 170.0

CONDITIONS OF APPROVAL

1. Rights 29-520 and 29-10131 when combined shall not exceed a total diversion rate of 1.7 cfs.
2. Rights 29-520, 29-10131 and 29-10133 when combined shall not exceed a total diversion rate of 2.24 cfs and the irrigation of 141 acres.
3. Rights 29-520, 29-2155, 29-10131 and 29-10133 when combined shall not exceed the irrigation of 170 acres.
4. Rights 29-520, 29-2155, 29-2219, 29-10131 and 29-10133 when combined shall not exceed the irrigation of 257 acres.
5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 29H.

Transfer No. 86513

SCANNED

MAR 10 2023

WATER RIGHT NO. 29-520

As Modified by Transfer No. 86513

CONDITIONS OF APPROVAL

6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 29-14506**As Modified by Transfer No. 86513**

In accordance with the approval of Transfer No. 86513, Water Right No. 29-14506 is now described as follows:

Right Holder: CRIS G DAVIS OR
LAURETTA M DAVIS
PO BOX 76
DOWNEY, ID 83234

Priority Date: 4/1/1911

Source: SOUTH FORK REESE CREEK **Tributary:** MARSH CREEK

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DIVERSION TO STORAGE	11/02	to 03/31	1.700 cfs	
IRRIGATION FROM STORAGE	04/01	to 11/01		20.0 af
IRRIGATION STORAGE	01/01	to 12/31	1.700 cfs	20.0 af

LOCATION OF POINT(S) OF DIVERSION

SOUTH FORK REESE CREEKSWNE	Sec 14 Twp 11S Rge 36E	BANNOCK County	(R)
SOUTH FORK REESE CREEKNESE	Sec 21 Twp 11S Rge 36E	BANNOCK County	(I)
SOUTH FORK REESE CREEKSENE	Sec 23 Twp 11S Rge 36E	BANNOCK County	(I)
SOUTH FORK REESE CREEKSWNE	Sec 23 Twp 11S Rge 36E	BANNOCK County	(R)
SOUTH FORK REESE CREEKSWSW	Sec 28 Twp 11S Rge 36E	BANNOCK County	

PLACE OF USE: IRRIGATION FROM STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	14			19.0											15.0	12.5		46.5
11S	36E	23	0.2	3.9	40.0	6.4					31.0	3.0				13.0			97.5
11S	36E	26	37.0	39.0															76.0

POU Total Acres: 220.0

PLACE OF USE: IRRIGATION STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	23													X				

CONDITIONS OF APPROVAL

1. Rights 29-13381 and 29-14506 when combined shall not exceed the irrigation of 220 acres. These rights are used to augment the water supply for the acres irrigated under water rights 29-520, 29-2155, 29-2295C, 29-10131 and 29-10133.

Transfer No. 86513

SCANNED
MAR 10 2023

WATER RIGHT NO. 29-14506

As Modified by Transfer No. 86513

CONDITIONS OF APPROVAL

2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 29H.
3. The right holder shall install lockable controlling works and totalizing measuring devices on the Marsh Creek Pump, located in the SWNE of Section 14, T11S, R36E, the Pond Pump, located in the NESE of Section 23, T11S, R36E, and the pipeline conveying water from the storage pond to Marsh Creek.
4. In any year, after the 7/28/1919 priority date is curtailed on Marsh Creek, all diversions from the Marsh Creek Pump, located in the SWNE of Section 14, T11S, R36E, shall be considered irrigation from storage under water rights 29-13381 and 29-14506; and all diversions from the Pond Pump, located in the NESE of Section 23, T11S, R36E, above and beyond the quantity of water injected into the pond from Reese Creek under valid rights, shall be considered irrigation from storage under water rights 29-13381 and 29-14506.
5. Rights 29-13381 and 29-14506 in combination authorize the storage of 32 acre-feet. In any year, after the 32 acre-feet has been delivered for irrigation use, the Marsh Creek Pump, located in the SWNE of Section 14, T11S, R36E, shall be curtailed, and the Pond Pump, located in the NESE of Section 23, T11S, R36E, shall be limited to the amount of water injected into the pond from Reese Creek under valid rights, unless the right holder moves additional water rights to the points of diversion.
6. If the Marsh Creek irrigation rights associated with the Marsh Creek Pump, located in the SWNE of Section 14, T11S, R36E, are curtailed, the pump shall be limited to the rate and volume of water injected into Marsh Creek from the storage pond described in water rights 29-13381 and 29-14506.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 29-2219**As Modified by Transfer No. 86513**

In accordance with the approval of Transfer No. 86513, Water Right No. 29-2219 is now described as follows:

Right Holder: LAURETTA M DAVIS OR
CRIS G DAVIS
PO BOX 76
DOWNEY, ID 83234

Priority Date: 7/28/1919

Source: MARSH CREEK
Source: POND

Tributary: PORTNEUF RIVER
Tributary: MARSH CREEK

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/31 **Diversion Rate**
2.500 cfs
2.500 cfs

LOCATION OF POINT(S) OF DIVERSION

MARSH CREEK	SWNE	Sec 14 Twp 11S Rge 36E	BANNOCK County
MARSH CREEK	NENE	Sec 23 Twp 11S Rge 36E	BANNOCK County
MARSH CREEK	SENE	Sec 23 Twp 11S Rge 36E	BANNOCK County
POND	NESE	Sec 23 Twp 11S Rge 36E	BANNOCK County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	23	5.0			13.0									5.0				23.0
11S	36E	24							28.0		8.0	28.0							64.0
11S	36E	26	37.0	39.0															76.0

Right Acre Limit: 140.0

POU Total Acres: 163.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 140 acres within the authorized place of use in a single irrigation season.
2. Rights 29-520, 29-2155, 29-2219, 29-10131 and 29-10133 when combined shall not exceed the irrigation of 257 acres.
3. Right includes accomplished change in point of diversion pursuant to Idaho Code § 42-1425.
4. Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.

Transfer No. 86513

SCANNED
MAR 10 2023

WATER RIGHT NO. 29-2219

As Modified by Transfer No. 86513

CONDITIONS OF APPROVAL

5. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



Attachment to Transfer Approval 86513 Water Right 29-2295C

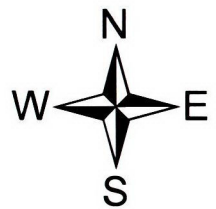
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- WR POU
- Township/Range
- Sections
- QQ

0 500 1,000 2,000 Feet



SCANNED

MAR 10 2023

Date: 3/9/2023

Attachment to Transfer Approval 86513

Water Rights 29-520, 29-2155, 29-10131 and 29-10133

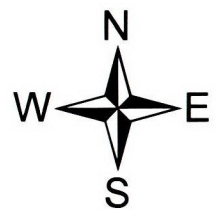
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- WR POU
- Township/Range
- Sections

0 0.25 0.5 1 Miles



SCANNED
MAR 10 2023 Date: 3/9/2023

Attachment to Transfer Approval 86513 Water Rights 29-13381 and 29-14506

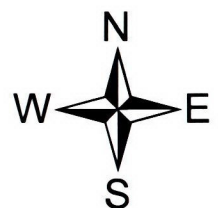
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- WR POU
- Township/Range
- Sections

0 0.25 0.5 1 Miles



SCANNED

Mar 10 2023 Date: 3/9/2023

AMENDED

RECEIVED

Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FEB 15 2023

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Department of Water Resource
Eastern Region

Name of Applicant(s) Cris M. Davis and Lauretta M. Davis Phone (208) 897-5176
 Mailing address PO Box 76, Downey, ID 83234 Email ldavis@ireland-bank.com

- ☐ 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 _____

- ☐ 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.

[Signature]
 Signature of Applicant or Authorized Representative

Cris G Davis
 Print Name and Title if applicable

2-14-2023
 Date

Lauretta M Davis
 Signature of Applicant or Authorized Representative

Lauretta M Davis
 Print Name and Title if applicable

2-14-2023
 Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use
 ☒ Add diversion point(s)
☒ Change period of use
 ☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
 If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.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.3**.
 See attached Part 1A.

SCANNED
MAR 10 2023

Part 1A. Purpose of Transfer

Amended Application for Transfer 86513 proposes to:

1. Rearrange the 50-acre place of use for water right 29-2295C. The point of diversion for water right 29-2295C is correct and will not change.
2. Combine and rearrange the place of use for the irrigation portions of water rights 29-520, 29-2155, 29-10131 and 29-10133. The authorized source for these rights is South Fork Reese Creek and/or Reese Creek. The irrigation portion of these rights will share a 170-acre place of use.
3. Change the storage place of use (reservoir location) for the storage portions of water rights ~~29-520~~ and 29-13381. The old reservoir sites are no longer used and have been replaced by a storage facility near Marsh Creek known as the Marsh Creek Pond, located in the NESE of Section 23, T11S, R36E. Water rights ~~29-520~~ and 29-13381, in combination, authorize the storage of 32 acre-feet. *split and renumbered as 29-14506*
29-14506
4. Change the "irrigation from storage" place of use for the storage portions of water rights ~~29-520~~ and 29-13381. The stored water will be used to supplement the irrigation occurring on the 50 acres under water right 29-2295C and the 170 acres under water rights 29-520, 29-2155, 29-10131 and 29-10133. In total, the irrigation from storage place of use will cover 220 acres. *29-14506*
5. Update the points of diversion for irrigation water rights 29-520, 29-2155, 29-10131 and 29-10133. Water is diverted from South Fork Reese Creek into Reese Creek through the upper cross ditch, then is re-diverted from Reese Creek into a pipeline for irrigation use. *29-14506*
6. Update the points of diversion for storage water rights ~~29-520~~ and 29-13381. Water is diverted from South Fork Reese Creek into Reese Creek through the upper cross ditch, then is re-diverted from Reese Creek into the Marsh Creek Pond. *29-14506*
7. Update the storage season of use for water right ~~29-520~~ to allow stored water to be held in the reservoir all year.
8. Update the irrigation season of use for water right 29-10131 to correct an error (6-day gap) in the irrigation season of use.
9. Add "diversion to storage" as an element to water right 29-13381. The original reservoir for this right was an onstream reservoir. The proposed reservoir site (Marsh Creek Pond) is an off-stream reservoir and, therefore, needs a diversion rate.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

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 ☒ ☐	29-2295C	1.00 cfs	Irrigation	4/1 to 10/31	Marsh Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.00 cfs and/or acre-feet.

2. Total amount of water proposed to be transferred or changed 0.30 cubic feet per second and/or acre-feet per year.

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	¼	¼	¼	Sec	Tw	Rge	County	Source	Local name or tag #

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

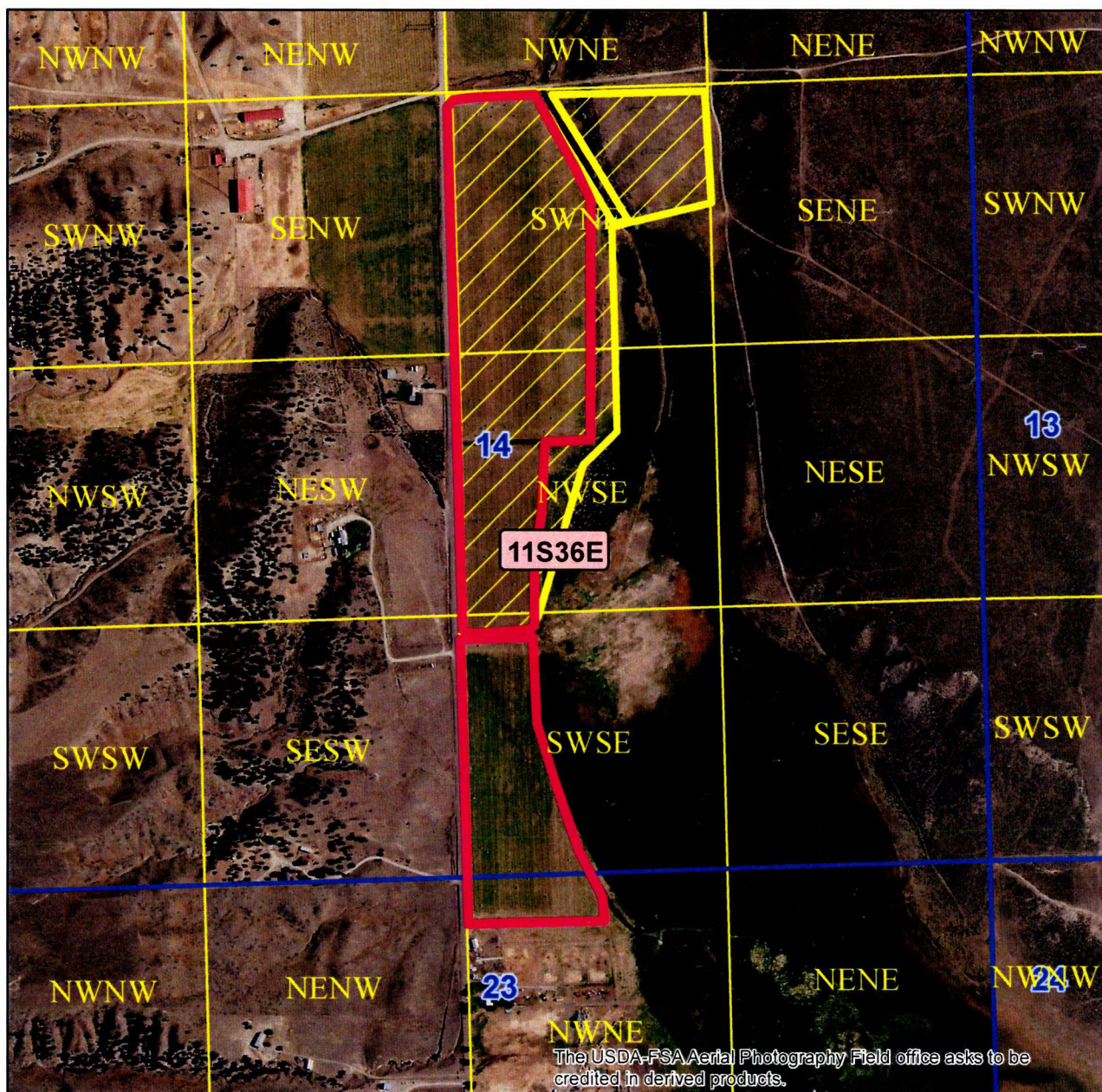
- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Tw	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	14			19											15	12.5		46.5
		23		3.5															3.5
Total Acres (for irrigation use)																			50

SCANNED
MAR 10 2023

Amended Application for Transfer 86513

Proposed Place of Use for Water Right 29-2295C (50 acres)



2021 Imagery

- Davis_POU
- Water Right POU
- Township/Range
- Sections
- QQ

0 625 1,250 2,500 Feet



SCANNED
MAR 10 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

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	29-520	1.70 cfs	Irrigation	4/1 to 11/1	South Fork Reese Cr
☒ ☐	29-2155	0.58 cfs	Irrigation	4/1 to 10/31	South Fork Reese Cr
☒ ☐	29-10131	1.12 cfs	Irrigation	4/1 to 4/19	Reese Cr / SF Reese Cr
☐ ☐		1.31 cfs	Irrigation	4/20 to 6/19	Reese Cr / SF Reese Cr
☐ ☐		1.70 cfs	Irrigation	6/20 to 11/1	Reese Cr / SF Reese Cr
☒ ☐	29-10133	0.54 cfs	Irrigation	4/1 to 11/1	Reese Cr / SF Reese Cr
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.82 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 2.82 cubic feet per second and/or _____ acre-feet per year.

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	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			SW	SW	28	11S	36E	Bannock	South Fork Reese Creek	Upper Cross Ditch
			NE	SE	21	11S	36E	Bannock	South Fork Reese Creek	Point of Inj into Reese Creek
			SE	NE	22	11S	36E	Bannock	South Fork Reese Creek/	Diversion/Re-diversion
									Reese Creek	(Pipeline Intake)

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

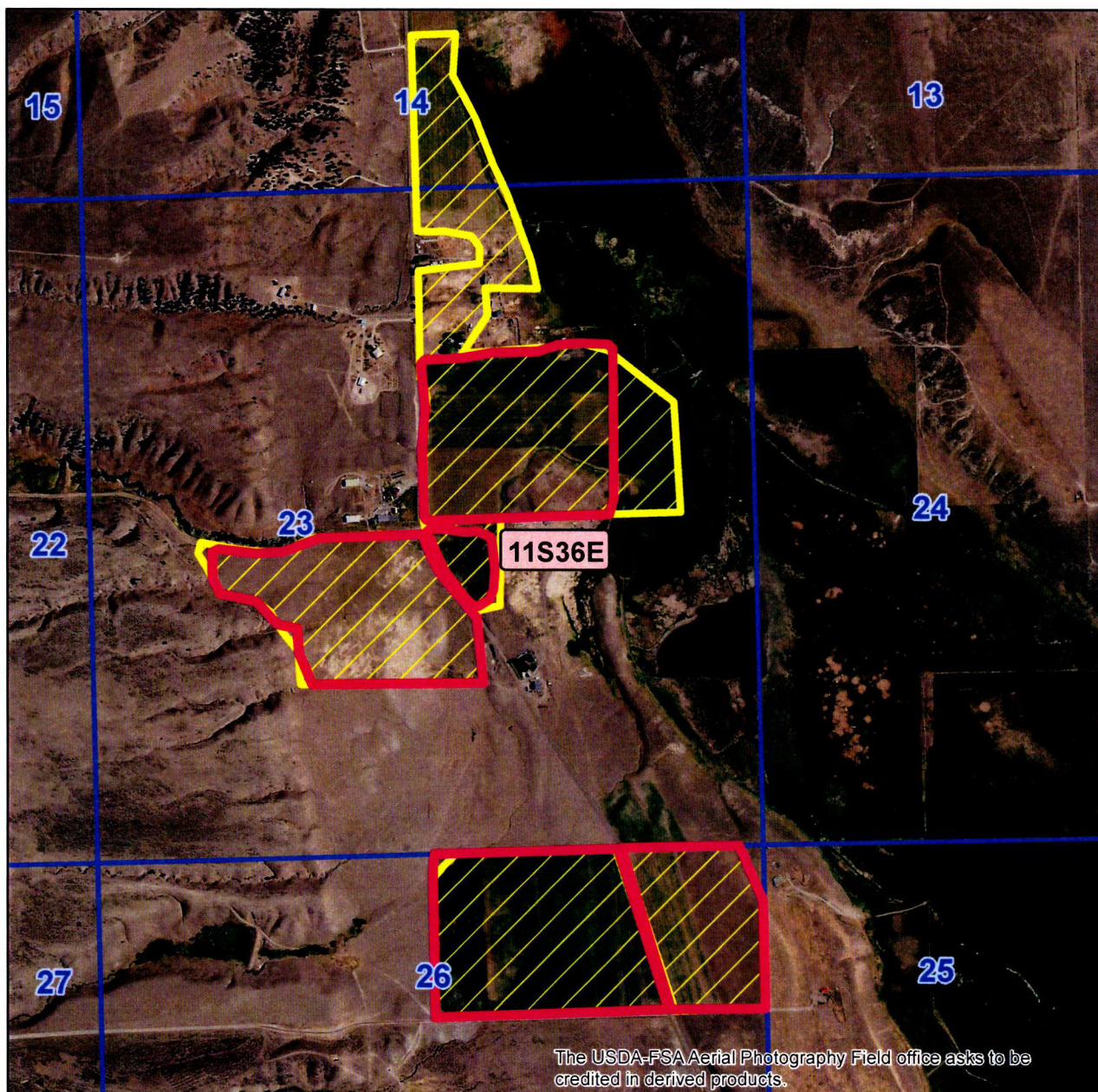
- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	23	0.2	0.4	40	6.4					31	3.0				13			94
		26	37	39															76
Total Acres (for irrigation use)																			170

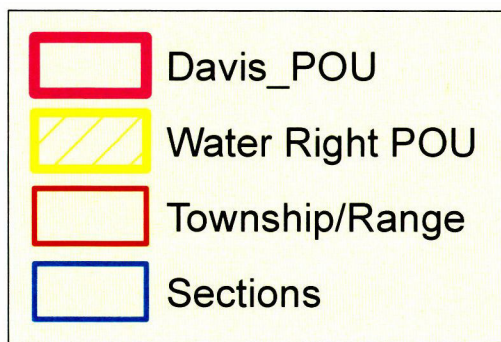
SCANNED
MAR 10 2023

Amended Application for Transfer 86513

Proposed POU for SFRCr and Reese Cr Rights (170 acres)



2021 Imagery



0 1,000 2,000 4,000 Feet



SCANNED

MAR 10 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

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 ☐ ☒	<u>29-14506</u> <u>29-520</u>	1.70 cfs	Diversion to Storage	11/2 to 3/31	South Fork Reese Cr
☐ ☐		20 acre-feet	Irrigation Storage	1/1 to 12/31	South Fork Reese Cr
☐ ☐		20 acre-feet	Irrigation from Storage	4/1 to 11/1	South Fork Reese Cr
☒ ☐	<u>29-13381</u>	1.02 cfs	Diversion to Storage	1/1 to 12/31	South Fork Reese Cr
☐ ☐		12 acre-feet	Irrigation Storage	1/1 to 12/31	South Fork Reese Cr
☐ ☐		12 acre-feet	Irrigation from Storage	4/1 to 10/31	South Fork Reese Cr
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.72 cfs and/or 32 acre-feet.

2. Total amount of water proposed to be transferred or changed 2.72 cubic feet per second and/or 32 acre-feet per year.

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.**

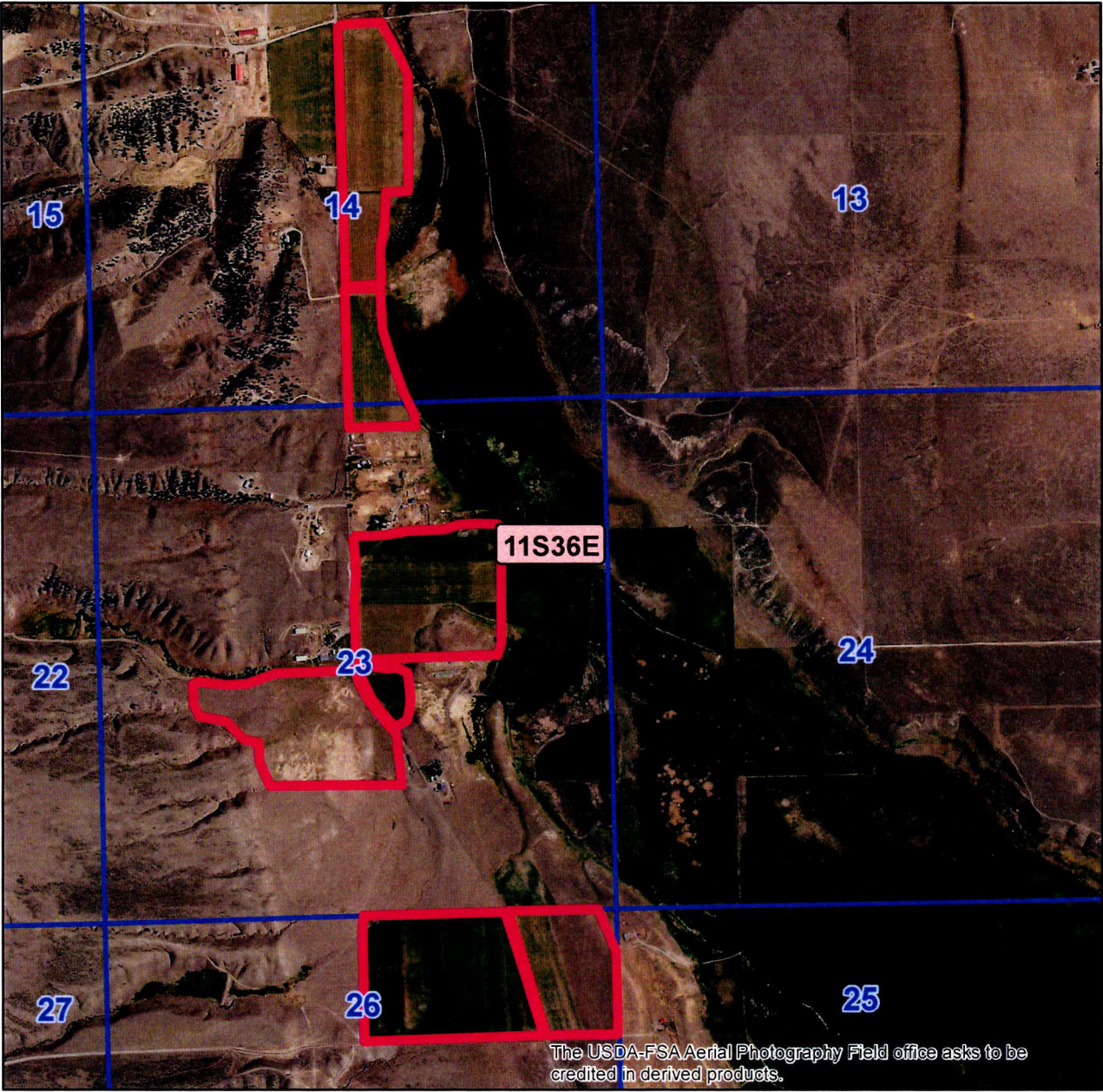
New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y			SW	SW	28	11S	36E	Bannock	South Fork Reese Creek	Upper Cross Ditch
Y			NE	SE	21	11S	36E	Bannock	South Fork Reese Creek	Point of Inj. into Reese Creek
Y			SW	NE	23	11S	36E	Bannock	South Fork Reese Creek	POD from Reese Cr to Marsh Cr Pond
Y			SE	NE	23	11S	36E	Bannock	South Fork Reese Creek	Point of Inj. into Marsh Creek
Y			SW	NE	14	11S	36E	Bannock	South Fork Reese Creek	North Pump on Marsh Creek

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

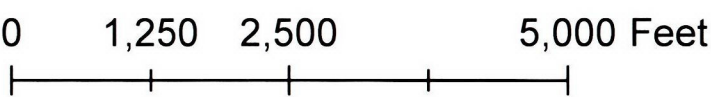
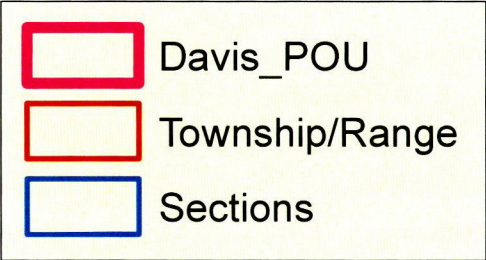
- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	14			19											15	12.5		46.5
		23	0.2	3.9	40	6.4					31	3.0				13			97.5
		26	37	39															76
		23													S				
Total Acres (for irrigation use)																			220

Amended Application for Transfer 86513
Proposed Irrigation from Storage Place of Use (220 acres)



2021 Imagery



SCANNED
MAR 10 2023

Idaho Department of Water Resources Receipt

Receipt ID: E048904

Payment Amount \$160.00 Date Received 2/15/2023 12:02 PM Region EASTERN
Payment Type Check Check Number 2191
Payer N. F. Davis Ranch LLC
Comments Application for Transfer
 Chris G and Laurretta M Davis
 29-2295C

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$160.00	TRANSFERS	63105	0229	21		1155

Signature Line (Department Representative)

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/7/2023

Water Right 29-2295C

Owner Type **Name and Address**
Current Owner LAURETTA M DAVIS
 PO BOX 76
 DOWNEY, ID 83234

Current Owner CRIS G DAVIS
 PO BOX 76
 DOWNEY, ID 83234

Priority Date: 11/27/1950

Basis: Decreed

Status: Active

Source
MARSH CREEK

Tributary
PORTNEUF RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	1.000 CFS	
	Total Diversion		1.000 CFS	

Source and Point(s) of Diversion:

MARSH CREEK SWNE Sec. 14, Twp 11S, Rge 36E, BANNOCK County

Place Of Use:

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	14			30.0											19.0	1.0		50.0

POU Total Acres: 50.0

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/6/2023

Water Right 29-520

Owner Type **Name and Address**
Current Owner CRIS G DAVIS
 PO BOX 76
 DOWNEY, ID 83234

Current Owner LAURETTA M DAVIS
 PO BOX 76
 DOWNEY, ID 83234

Priority Date: 4/1/1911

Basis: Decreed

Status: Active

Source
SOUTH FORK REESE CREEK

Tributary
MARSH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	1.700 CFS	
IRRIGATION STORAGE	11/02	03/31		20.0 AF
IRRIGATION FROM STORAGE	04/01	11/01		20.0 AF
DIVERSION TO STORAGE	11/02	03/31	1.700 CFS	
<u>Total Diversion</u>			1.700 CFS	

Source and Point(s) of Diversion:

SOUTH FORK REESE CREEK NWSWSW
SOUTH FORK REESE CREEK NESE
SOUTH FORK REESE CREEK SENE

Sec. 28, Twp 11S, Rge 36E, BANNOCK County
Sec. 20, Twp 11S, Rge 36E, BANNOCK County(I)
Sec. 22, Twp 11S, Rge 36E, BANNOCK County(R)

Place of Use:

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	14															13.0		13.0
11S	36E	23	1.0	19.0	39.0	19.0					31.0	4.0				15.0			128.0

POU Total Acres: 141.0

IRRIGATION FROM STORAGE Same as IRRIGATION

Conditions of Approval:

- G01 POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM REESE CREEK.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/6/2023

2. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.24 CFS. COMBINED RIGHT NOS.: 29-520, 29-10131, 29-10133
3. 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.
4. D06 FACILITY VOLUME 20 AF.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 141 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-520, 29-10131, 29-10133

2/6/2023

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LAURETTA M DAVIS PO BOX 76 DOWNEY, ID 83234

Current Owner CRIS G DAVIS
PO BOX 76
DOWNEY, ID 83234

Status: Active

Tributary
MARSH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.580 CFS	
	Total Diversion		0.580 CFS	

<u>Source and Point(s) of Diversion:</u>		
SOUTH FORK REESE CREEK	NWNW	Sec. 26, Twp 11S, Rge 36E, BANNOCK County
SOUTH FORK REESE CREEK	NWNW	Sec. 26, Twp 11S, Rge 36E, BANNOCK County

Place of Use:
IRRIGATION within BANNOCK County

IRRIGATION within BANNOCK County																			
			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	36E	26	37.0	39.0															76.0
																			Right Acre Limit: 29.00 POU Total Acres: 76.0

Right Acre Limit: 29.00
POU Total Acres: 76.0

Conditions of Approval:

- | CONDITIONS OF DECREE | | |
|----------------------|-----|---|
| 1. | E56 | USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 163 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-2219, 29-2155, 29-13381 |
| 2. | 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. |
| 3. | K06 | THIS RIGHT IS LIMITED TO THE IRRIGATION OF 29 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. |
| 4. | C05 | RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE. |

29-2155

SCANNED
MAR 10 2023

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/6/2023

Water Right 29-10131

Owner Type **Name and Address**
Current Owner LAURETTA M DAVIS
 PO BOX 76
 DOWNEY, ID 83234

Current Owner CRIS G DAVIS
 PO BOX 76
 DOWNEY, ID 83234

Priority Date: 6/1/1885

Basis: Decreed

Status: Active

Source
SOUTH FORK REESE CREEK
REESE CREEK

Tributary
MARSH CREEK
MARSH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	04/19	1.120 CFS	
IRRIGATION	04/20	06/14	1.310 CFS	
IRRIGATION	06/20	11/01	1.700 CFS	
	<u>Total Diversion</u>		1.700 CFS	

Source and Point(s) of Diversion:

SOUTH FORK REESE CREEK NWSWSW
REESE CREEK SENE
SOUTH FORK REESE CREEK SENE
SOUTH FORK REESE CREEK NESE

Sec. 28, Twp 11S, Rge 36E, BANNOCK County
Sec. 22, Twp 11S, Rge 36E, BANNOCK County
Sec. 22, Twp 11S, Rge 36E, BANNOCK County(R)
Sec. 21, Twp 11S, Rge 36E, BANNOCK County(I)

Place of Use:

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	14															13.0		13.0
11S	36E	23	1.0	19.0	39.0	19.0					31.0	4.0				15.0			128.0

POU Total Acres: 141.0

Conditions of Approval:

- G01 POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM REESE CREEK.
- C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- P29 THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS.29-442, 29-509, 29-510, 29-511, 29-514, 29-515.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/6/2023

4. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 141 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-520, 29-10131, 29-10133
5. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.24 CFS. COMBINED RIGHT NOS.: 29-520, 29-10131, 29-10133
6. 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/6/2023

Water Right 29-10133

Owner Type **Name and Address**
Current Owner LAURETTA M DAVIS
 PO BOX 76
 DOWNEY, ID 83234

Current Owner CRIS G DAVIS
 PO BOX 76
 DOWNEY, ID 83234

Priority Date: 5/15/1930

Basis: Decreed

Status: Active

Source
REESE CREEK
SOUTH FORK REESE CREEK

Tributary
MARSH CREEK
MARSH CREEK

Beneficial Use
IRRIGATION

From **To**
4/01 11/01
Total Diversion

Diversion Rate
0.540 CFS
0.540 CFS

Volume

Source and Point(s) of Diversion:

REESE CREEK SENE
SOUTH FORK REESE CREEK NWSWSW
SOUTH FORK REESE CREEK SENE
SOUTH FORK REESE CREEK NESE

Sec. 22, Twp 11S, Rge 36E, BANNOCK County
Sec. 28, Twp 11S, Rge 36E, BANNOCK County
Sec. 22, Twp 11S, Rge 36E, BANNOCK County(R)
Sec. 21, Twp 11S, Rge 36E, BANNOCK County(I)

Place of Use:

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	14															13.0		13.0
11S	36E	23	1.0	19.0	39.0	19.0					31.0	4.0				15.0			128.0

POU Total Acres: 141.0

Conditions of Approval:

- G01 POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM REESE CREEK.
- E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.24 CFS. COMBINED RIGHT NOS.: 29-520, 29-10131, 29-10133.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/6/2023

3. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 141 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-520, 29-10131, 29-10133
4. P29 THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-512, 29-513, 29-516, 29-517.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. 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.

29-10133

SCANNED
MAR 10 2023

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/6/2023

Water Right 29-13381

Owner Type **Name and Address**
Current Owner CRIS G DAVIS
 LAURETTA M DAVIS
 PO BOX 76
 DOWNEY, ID 83234

Priority Date: 11/23/1912

Basis: Decreed

Status: Active

Source **Tributary**
SOUTH FORK REESE CREEK MARSH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION STORAGE	01/01	12/31		12.0 AF
IRRIGATION FROM STORAGE	04/01	10/31		12.0 AF
	<u>Total Diversion</u>			12.0 AF

Source and Point(s) of Diversion:
SOUTH FORK REESE CREEK NWNW Sec. 26, Twp 11S, Rge 36E, BANNOCK County

Place of Use:
IRRIGATION FROM STORAGE within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	26	37.0	39.0															76.0

POU Total Acres: 76.0

Conditions of Approval:

1. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 163 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-2219, 29-2155, 29-13381
2. 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.
3. D06 FACILITY VOLUME 12 AF.
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 29 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/22/2023

Water Right 29-2219

Owner Type **Name and Address**
Current Owner LAURETTA M DAVIS
 PO BOX 76
 DOWNEY, ID 83234

Current Owner CRIS G DAVIS
 PO BOX 76
 DOWNEY, ID 83234

Priority Date: 7/28/1919

Basis: Decreed

Status: Active

Source
MARSH CREEK
POND

Tributary
PORTNEUF RIVER
MARSH CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	2.500 CFS	
	Total Diversion		2.500 CFS	

Source and Point(s) of Diversion:

MARSH CREEK	SWNE	Sec. 14, Twp 11S, Rge 36E, BANNOCK County
POND	NESE	Sec. 23, Twp 11S, Rge 36E, BANNOCK County
MARSH CREEK	NENE	Sec. 23, Twp 11S, Rge 36E, BANNOCK County
MARSH CREEK	SENE	Sec. 23, Twp 11S, Rge 36E, BANNOCK County

Place of Use:

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	23	5.0			13.0									5.0				23.0
11S	36E	24							28.0		8.0	28.0							64.0
11S	36E	26	37.0	39.0															76.0

Right Acre Limit: 140.00
POU Total Acres: 163.0

Conditions of Approval:

1. C02 RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/22/2023

3. 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.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE
PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 140 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
6. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 163 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-2219, 29-2155, 29-
13381



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

March 09, 2023

CRIS G DAVIS
LAURETTA M DAVIS
PO BOX 76
DOWNEY ID 83234

Re: Transfer No: 86513
Water Right No(s): 29-520, 29-2155, 29-2219, 29-2295C, 29-10131, 29-10133,
29-13381, 29-14506

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

SCANNED
MAR 10 2023

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CH', is written over the word 'Sincerely,'.

Christina Henman
Administrative Assistant

Enclosure
CC:

IRELAND BANK
486 YELLOWSTONE AVE
POCATELLO ID 83201-4532

SCANNED
MAR 10 2023

CERTIFICATE OF SERVICE

I hereby certify that on March 09, 2023 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 86513

**Water Right No(s): 29-520, 29-2155, 29-2219, 29-2295C , 29-10131, 29-10133,
29-13381, 29-14506**

**CRIS G DAVIS
LAURETTA M DAVIS
PO BOX 76
DOWNEY ID 83234**

**IRELAND BANK
486 YELLOWSTONE AVE
POCATELLO ID 83201-4532**



**Christina Henman
Administrative Assistant**

SCANNED
MAR 10 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: February 27, 2023
To: Transfer 86513
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

On April 8, 2022, Cris and Lori Davis filed this application proposing to make changes to water right 29-10131. The application was ambiguous and did not account for overlapping water rights. On August 24, 2022, Davis filed an amended application proposing to make changes to water rights 29-10131 and 29-520. The first amended application proposes adding points of diversion and changing the place of use for water rights 29-520 and 29-10131. The Department published notice based on the first amended application.

The proposed changes raised significant injury and enlargement concerns. In recent years, Marsh Creek and its tributaries have been regulated against the Snake River priority date. For most of the summer, rights junior to October 1900 are curtailed. Water right 29-10131 is the only right held by Davis senior to October 1900. The authorized source for water right 29-10131 (South Fork Reese Creek/Reese Creek) has limited flow by late summer. The storage portion of water right 29-520 is limited to 20 acre-feet. Water right 29-10131 and the storage portion of 29-520 would not be sufficient to irrigate all of the acres described under Davis's water rights. To prevent enlargement, Davis would have to install measuring devices with data loggers and submit annual reports.

I met with Cris and Lori Davis to discuss their irrigation system and their proposed operations. Based on the information provided, I helped Davis prepare an amended application to simplify the water rights and avoid some of the enlargement concerns (and the associated measurement/reporting requirements). Davis filed a second amended application on February 15, 2023.

The second amended application proposes to change elements of water rights 29-2295C, 29-520, 29-2155, 29-10131, 29-10133, 29-13381 and 29-14506. Water right 29-520 was split into rights 29-520 (irrigation portion) and 29-14506 (storage portion) prior to the transfer approval for ease of reference. The transfer will change the place of use for right 29-2295C. It will change the place of use and simplify the points of diversion for rights 29-520, 29-2155, 29-10131 and 29-10133. It will change the points of diversion, storage place of use, and irrigation from storage place of use for storage water rights 29-13381 and 29-14506. The amended application also makes minor adjustments to water rights 29-10131 and 29-14506 to correct errors from the SRBA and adds "diversion to storage as an element to water right 29-13381, because the storage is now held in an off-stream reservoir."

Authority to File:

Cris and Lori Davis are the owners of record for all of the rights included in the amended application. They also own all of the existing and proposed place of use, except for two small parcels in the NWNE of Section 23, T11S, R36E. These parcels are owned by Glade and Jane Davis, and Shawn and Kaylee Davis. These property owners signed a document stating they agree to the place of use changes that would move water rights off of their properties.

Water Right Validity:

The rights involved in this transfer were decreed 3/22/2004. Based on aerial imagery, portions of the current place of use have not been irrigated consistently. Applicants admit that portions of their place of

SCANNED
MAR 10 2023

use have not been watered, but note that the sources do not provide enough water to irrigate all of the acres. The applicant stated several years of reduced water supply/drought have made their gravity systems ineffective. Based on this explanation from the applicants, there is not clear and convincing evidence that these rights have been forfeited due to non-use.

Injury to Other Water Rights:

The Department published notice of the original amended application in September 2022. No protests were filed. The current amended application includes additional water rights, but primarily changes the place of use for the water rights added to the transfer. The public notice from September was broad enough to capture all of the changes proposed in the second amended application. All of the points of diversion are identified and all of the places of use fall within the QQs identified in the public notice. The new reservoir site was described in the public notice and the Marsh Creek points of diversion were also identified. The second amended application represents an overall reduction in the amount of water being moved from one point of diversion to another when compared to the first amended application. The difference between the original amended application and the current amended application does not change the effect on the sources for the rights and any other hydraulically connected sources. Therefore, the Department did not publish notice of the second amended application. The watermaster for WD29H was notified of the second amended application and indicated that she does not oppose the changes.

Enlargement of Use:

Individual acre limits and combined rate and acre limits will be carried forward. Water rights 29-13381 and 29-14506 authorize 32 acre-feet of irrigation storage. This water will be used to supplement more acres than the original storage rights. This type of expansion of storage water is allowed under Section 42-222. In order to prevent enlargement of the non-storage rights, strict conditions will be added to rights 29-13381 and 29-14506 to require measurement of instantaneous rate and annual volumes for storage water delivered. Once the 32 acre-feet of storage water is exhausted, the Davis points of diversion will be curtailed or limited to the existing rate of non-storage rights.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

Cefalo, James

From: Cefalo, James
Sent: Tuesday, March 7, 2023 1:18 PM
To: Lori Davis
Subject: RE: Cris and Lori Davis - application

That's right. You will still maintain measuring devices on the North Pump, the Pond Pump and Reese Creek. You just need to install one more flow meter on the new pipeline conveying water from the pond to Marsh Creek. The watermaster will begin to check that meter on the pipeline from the pond to Marsh Creek once the 1919 priority date is curtailed on Marsh Creek. The North Pump will only be shut off if you exhaust your storage supply. Once the Marsh Creek rights are curtailed, you can irrigate all the acres in Sections 23 and 26 from Reese Creek, freeing up all the storage water (32 acre-feet) for use at the North Pump.

I will move forward with the transfer approval. I plan on signing the approval by the end of the week. If we find after a year or two that the changes are not working as expected, we can meet and decide whether the water rights should be adjusted again.

One thing you should consider is converting more of water right 29-520 from irrigation use to irrigation storage. I calculate that the pond can hold more than 32 acre-feet. It may be possible to dry up some of the acres in Section 23 (that are rarely irrigated anyway) to create additional storage water – which could be injected into Marsh Creek. I didn't want to include that proposal in this application because such a change would require readvertisement, and I didn't want to create additional delay. Perhaps we can meet later this year to prepare an application to convert more of right 29-520 to irrigation storage to cover the full volume of the pond.

I hope to find time to come down later in the summer to see how the system is operating.

From: Lori Davis <LDavis@ireland-bank.com>
Sent: Tuesday, March 7, 2023 12:14 PM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Subject: RE: Cris and Lori Davis - application

This message was sent securely using Zix®

James - I have reviewed the final draft again taking into consideration your e-mail. We do not want to withdraw the amendment. Please proceed with the transfer. To clarify under the transfer to simplify the measurement requirement, all we now need to do is install the pump in the storage pond to measure water pumped from the pond into Marsh Creek to be used when the 1919 priority becomes curtailed. Thanks Lori

Lori Davis

Vice President, Loan Officer

NMLS # 451665

(208) 766-2211 Office

(208) 766-2361 Fax

Cell

LDavis@ireland-bank.com

www.ireland-bank.com



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From: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Sent: Monday, March 6, 2023 3:52 PM
To: Lori Davis <LDavis@ireland-bank.com>
Subject: External:Use Caution! RE: Cris and Lori Davis - application

Lori,

It appears that we have a disconnect. I apologize for any miscommunication on my end. After we met, I agreed to try to find a way to simplify the measurement and reporting requirements. My proposal was to expand the place of use for your storage water rights 29-14506 (split portion of 29-520) and 29-13381 to cover all 220 irrigated acres. All the other Reese Creek rights, including water right 29-10131, would be used to irrigate 170 acres in Sections 23 and 26. This change would eliminate the need for data loggers and annual reports. Attached is a copy of the Draft Amended Application (emailed on February 10th). Page 5 described the 170-acre place of use for water rights 29-520, 29-2155, 29-10131 and 29-10133. Page 6 is the map of the 170-acre place of use. Page 7 described the 220-acre place of use for storage rights 29-14506 (split portion of 29-520) and 29-13381. Page 8 is the map of the 22-acre place of use. I recognize that the application forms are difficult to understand and had hoped that the summary page (page 2) and maps included in the February 10th email would help explain the changes.

You do not have to move forward with the proposed amendment (signed on February 14, 2023). If you decide that the amendment does not reflect the changes you would like to make to your water rights, you can always withdraw the amendment and the application will return to the former state – only proposing to change water rights 29-10131 and 29-520. We would then refund the additional \$160 you paid for the amendment. If you choose to withdraw the February 14th amendment, please send me a short letter signed by you and Cris asking to withdraw the amendment. The amended application you filed in August 2022 still presents injury and enlargement concerns.

James



James Cefalo | Regional Manager
900 N Skyline Drive, Idaho Falls, ID 83402
(208) 525-7161 | www.idwr.idaho.gov

From: Lori Davis <LDavis@ireland-bank.com>
Sent: Monday, March 6, 2023 2:59 PM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Subject: RE: Cris and Lori Davis - application

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Thanks James - When I review the final draft page 3 of 18 Water Right No. 29-10131 6-1-1885 It only shows the Place of Use as being in Sec. 26 and Sec. 23 . Per the previous maps, etc. we also need the Point of Use on the 6-1-1885 right to cover our irrigated ground in Sec. 14, also. Sec. 14, Sec. 23 and Sec. 26 are indicated correctly on Page 11 and Page 15 for Reese Creek Water NO. 29-13381 11/23/1912 and NO. 29-14506 4/1/1911. We really need to be able to irrigate Sec. 14. Currently we already can irrigate part of Sec. 14 under #29-10131 – but you have left even that off of the modification on Page 3. Please correct Page 3 to show Place of Use to include irrigated land in Sec. 14. Would you please e-mail me the map for place of use and points of diversion for water right No. 29-10131? I think that will help make it more clear for us. Thank you! Lori

Lori Davis

Vice President, Loan Officer

NMLS # 451665

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From: Cefalo, James <James.Cefalo@idwr.idaho.gov>

Sent: Monday, March 6, 2023 1:51 PM

To: Lori Davis <LDavis@ireland-bank.com>

Subject: External:Use Caution! RE: Cris and Lori Davis - application

Lori,

We just received the comment request form back from Kristin Evans, the watermaster for Water District 29H. She did not have any comments. I want to provide you a draft copy of the transfer approval. Please take a few days to review the draft approval and get back to me with any comments or concerns by Thursday. Pay particular attention to the storage rights (water rights 29-13381 and 29-14506). Because the transfer will allow you to use your storage rights on any of your irrigated acres, these water rights carry the conditions meant to protect other water users. If you don't have any concerns, I can issue the approval on Friday.

James

 IDAHO DEPARTMENT OF
WATER RESOURCES
James Cefalo | Regional Manager
900 N Skyline Drive, Idaho Falls, ID 83402

SCANNED
MAR 10 2023

From: Lori Davis <LDavis@ireland-bank.com>
Sent: Monday, February 27, 2023 2:51 PM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Subject: RE: Cris and Lori Davis - application

This message was sent securely using Zix®

Thank you!

Lori Davis

Vice President, Loan Officer

NMLS # 451665

(208) 766-2211 Office

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From: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Sent: Monday, February 27, 2023 1:31 PM
To: Lori Davis <LDavis@ireland-bank.com>
Subject: External:Use Caution! RE: Cris and Lori Davis - application

Lori,

I have entered all the changes into our transfer application database and forwarded a copy of the amended application to the watermaster, Kristin Evans, for comment. She has until March 9th to provide comment. On the original application, Kristin did not oppose the transfer but asked for a condition requiring measuring devices on the points of diversion. I would expect her comments on the amended application to be similar. If Kristin does not respond to the request by March 9th, we will move forward with the approval. Once approved, I will send you a copy of the transfer for your records.

James



James Cefalo | Regional Manager
900 N Skyline Drive, Idaho Falls, ID 83402
(208) 525-7161 | www.idwr.idaho.gov

From: Lori Davis <LDavis@ireland-bank.com>
Sent: Monday, February 27, 2023 1:05 PM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Subject: Cris and Lori Davis - application
Importance: High

This message was sent securely using Zix®

James - Just following up - Has the application been approved and updated info put into place? Thanks Lori

Lori Davis

Vice President, Loan Officer

NMLS # 451665

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LDavis@ireland-bank.com

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State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

RECEIVED

MAR 06 2023

Department of Water Resources
Eastern Region

RE: Transfer No. 86513 Amendment

Transfer Applicant's Name: CRIS G DAVIS
LAURETTA M DAVIS
PO BOX 76
DOWNEY, ID 83234

Watermaster's Recommendation:

- a) X I do not oppose approval of this application.
- b) I do not oppose approval of this application if it is conditioned
as follows:
- c) I oppose approval of this application for the following
reasons:
- d) Additional comments:

Dated this 6th day of March, 2023

Kristin Evans
Watermaster's Signature
WD29H

SCANNED
MAR 10 2023

Cefalo, James

From: Cefalo, James
Sent: Friday, January 13, 2023 3:09 PM
To: ldavis@ireland-bank.com
Subject: Application for Transfer 86513 (Davis)

Dear Applicants:

Earlier this year, you filed Application for Transfer 86513 proposing to change the points of diversion and the 141-acre combined place of use for water rights 29-520 and 29-10131. The authorized source for water right 29-520 is South Fork Reese Creek. The authorized sources for water right 29-10131 are Reese Creek and South Fork of Reese Creek. Application 86513 proposes to inject Reese Creek water into Marsh Creek and divert water rights 29-520 and 29-10131 from pump stations on Marsh Creek. The following is a list of all the irrigation water rights you own in the area, sorted by priority date:

<u>Right No.</u>	<u>Priority Date</u>	<u>Source</u>
29-10131	6/1/1885	Reese Creek / South Fork Reese Creek
29-520	4/1/1911	South Fork Reese Creek
29-2155	11/8/1912	South Fork Reese Creek
29-13381	11/23/1912	South Fork Reese Creek
29-2219	7/28/1919	Marsh Creek / Pond
29-10133	5/15/1930	Reese Creek / South Fork Reese Creek
29-2295C	11/27/1950	Marsh Creek
29-7355	11/15/1976	Springs

As you are aware, water rights on Marsh Creek and the Portneuf River are currently regulated in conjunction with water rights on the Snake River. In drought years, the curtailment level on the Snake River often drops to October 11, 1900. In other words, water rights junior to October 11, 1900 are curtailed for most of the summer. In 2021, for example, water rights junior to October 11, 1900 were curtailed from June 22nd to September 27th. In 2022, water rights junior to October 11, 1900 were curtailed from July 6th to October 14th.

Once the curtailment level drops to October 11, 1900, the only one of your rights available for diversion would be water right 29-10131 from Reese Creek/South Fork Reese Creek. As I review aerial imagery for the Reese Creek drainage, it appears the flow in Reese Creek and South Fork Reese Creek is very limited by mid-summer. In some imagery, sections of the creek channels are entirely dry. The Department cannot approve transfers that would result in injury to existing water rights or enlargement. (See Section 42-222(1), Idaho Code). Changing a point of diversion to gain access to a more-reliable supply of water would constitute an enlargement. The sources of water for water right 29-10131 are Reese Creek and South Fork Reese Creek. Water right 29-10131 will always be limited to the flow of water available on those sources at the original points of diversion. During times when water right 29-10131 is the only right in priority, if you divert more water from Marsh Creek than is available at the original points of diversion for water right 29-10131, you will enlarge the use under water right 29-10131 and will injure existing water rights on the Snake River.

Your transfer application raises significant injury and enlargement concerns. For most of the summer, water right 29-10131 will be the only right available for diversion. It seems unlikely that the flow in South Fork Reese Creek or Reese Creek will be sufficient to supply the full 1.70 cfs authorized by the right. In fact, it appears that Reese Creek will supply far less than the 1.70 cfs, if anything at all. To protect senior water rights on Marsh Creek, the Portneuf River and the Snake River, and to prevent enlargement of water right 29-10131, the following conditions will be added to water right 29-10131 in the approval of Transfer 86513:

Diversion of water under this right is limited to those times when water is available for diversion under the priority of this right at the original point of diversion from Reese Creek in the SENE of Section 22, T11S, R36E.

The quantity of water diverted from Marsh Creek under this right shall be limited to the quantity of water available for diversion under this right at the original point of diversion on Reese Creek or the quantity of water entering Marsh Creek from Reese Creek, whichever is less.

Prior to diversion and use of water under this approval, the right holder shall install and maintain acceptable measuring devices with data loggers at the Marsh Creek Diversion, located in the SWNE of Section 14, T11S, R36E, and the Pond Diversion, located in the NESE of Section 23, T11S, R36E, and shall install and maintain an open channel measuring device and data logger on Reese Creek immediately upstream of the Reese Creek point of diversion, located in the SENE of Section 22, T11S, R36E.

Each year, prior to December 1st, the right holder shall provide a report summarizing the daily diversion volumes for the irrigation season for the Marsh Creek diversion, located in the SWNE of Section 14, T11S, R36E and the Pond Diversion, located in the NESE of Section 23, T11S, R36E and daily flow volumes for the irrigation season for Reese Creek immediately upstream of the Reese Creek point of diversion, located in the SENE of Section 22, T11S, R36E. Upon request, the right holder shall provide the data logger data files, recording the rate of flow for the three sites at 15-minute intervals.

The diversion limits and measurement and reporting requirements of this right are intended to prevent injury to senior water right holders and to prevent enlargement of this right. Failure to install and maintain the required measuring devices and data loggers or failure to provide the annual diversion report is cause for the Department to rescind Transfer 86513.

These conditions will require a significant investment of time and money on your part. I wanted to make you aware of the measurement and reporting requirements prior to issuing the transfer approval. If you are unable or unwilling to install and maintain measuring devices and data loggers and to prepare and file annual reports summarizing daily flow rates, the proposed changes cannot be approved.

One other issue to make you aware of. Application 86513 proposes to change the storage site for water right 29-520. Currently, water right 29-520 authorizes storage in Davis Reservoir (located at the head of Reese Creek near Butch Spring). Application 86513 proposes to move that storage facility to the pond near Marsh Creek. The storage season of use for water right 29-520 (the time when you can capture water in the reservoir) is November 2 to March 31. To receive storage credit under water right 29-520 for the water captured in the Marsh Creek Pond, you will need to measure the amount of water diverted from South Fork Reese Creek into the pond during the winter months. The maximum volume of water that can be stored under water right 29-520 is 20 acre-feet. Water right 29-520 would carry similar measurement, recording and reporting conditions as those described above. If you plan on diverting water directly from South Fork Reese Creek, this may require a separate measuring device and data logger from the three described above.

Feel free to contact me with any questions or concerns. I plan on conducting a final review of Application 86513 in the week of January 30th.

 IDAHO DEPARTMENT OF
WATER RESOURCES
James Cefalo | Regional Manager
900 N Skyline Drive, Idaho Falls, ID 83402
(208) 525-7161 | www.idwr.idaho.gov

Cefalo, James

From: Cefalo, James
Sent: Tuesday, January 24, 2023 4:34 PM
To: 'Lori Davis'
Cc: evankris@isu.edu
Subject: RE: Application for Transfer 86513 (Davis)

Thanks, Lori. I would like a better understanding of the existing system before finalizing the measurement and reporting conditions. You proposed a site visit. However, the diversion structures might be buried in snow for a couple of months. I'm happy to come down to the property, but don't want to cause additional delay on your application if we can't meet until April. Would it be possible to meet in my office or meet by video conference to review maps. We might find that the system can be adequately described and understood using aerial imagery. Let me know what you would prefer and what times work best for you.

James

From: Lori Davis <LDavis@ireland-bank.com>
Sent: Monday, January 23, 2023 11:24 AM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Cc: evankris@isu.edu
Subject: RE: Application for Transfer 86513 (Davis)

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Thank you for your response. We would still like to proceed with the application. We are willing to add the additional monitoring systems. However, I would like you to come to our ranch and see personally how the Reese Creek Water actually works. You are basing your assumptions on aerial photos. During the winter months Reese Creek does run into the pond near Marsh Creek and fills it "prior" to any spring natural addition of the flood overflow from Marsh Creek. Within a short time this spring run-off recedes back into Marsh Creek, leaving us only the accumulated water from the winter storage. Some years there may not even be a natural flood overflow from Marsh Creek. Please let me know when you would be available to look at the actual Reese Creek flow. Thank you Lori

Lori Davis

Vice President, Loan Officer
NMLS # 451665

(208) 766-2211 Office
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LDavis@ireland-bank.com
www.ireland-bank.com



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Cefalo, James

From: Lori Davis <LDavis@ireland-bank.com>
Sent: Monday, January 23, 2023 11:24 AM
To: Cefalo, James
Cc: evankris@isu.edu
Subject: RE: Application for Transfer 86513 (Davis)

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This message was sent securely using Zix®

Thank you for your response. We would still like to proceed with the application. We are willing to add the additional monitoring systems. However, I would like you to come to our ranch and see personally how the Reese Creek Water actually works. You are basing your assumptions on aerial photos. During the winter months Reese Creek does run into the pond near Marsh Creek and fills it "prior" to any spring natural addition of the flood overflow from Marsh Creek. Within a short time this spring run-off recedes back into Marsh Creek, leaving us only the accumulated water from the winter storage. Some years there may not even be a natural flood overflow from Marsh Creek. Please let me know when you would be available to look at the actual Reese Creek flow. Thank you Lori

Lori Davis

Vice President, Loan Officer

NMLS # 451665

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From: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Sent: Friday, January 20, 2023 12:09 PM
To: Lori Davis <LDavis@ireland-bank.com>
Subject: External:Use Caution! RE: Application for Transfer 86513 (Davis)

Lori,

The conditions highlighted in my original email would be included on water right 29-10131, which does not include a storage component. The storage water right, 29-520, would carry different conditions. Any water stored under water right 29-520 could be diverted later in the irrigation season. As mentioned in my earlier email, I have concerns about the proposal to move the storage from the Davis Reservoir to the Marsh Creek Pond. Based on aerial photos, it appears that the Marsh Creek Pond fills naturally every year from Marsh Creek. Adding water from South Fork Reese Creek to the pond does not increase the amount of water held in the pond. If the pond is already filled with Marsh Creek flows, are you really storing any water from Reese Creek? Is there a way to eliminate the connection with Marsh Creek and prevent the pond from filling with Marsh Creek water?



IDAHO DEPARTMENT OF
WATER RESOURCES

James Cefalo | Regional Manager
900 N Skyline Drive, Idaho Falls, ID 83402
(208) 525-7161 | www.idwr.idaho.gov

From: Lori Davis <LDavis@ireland-bank.com>
Sent: Thursday, January 19, 2023 4:50 PM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Subject: RE: Application for Transfer 86513 (Davis)

Mr. Cefalo – Thank you for your review of our transfer application. I do need clarification on the following:

Limiting the irrigation to those times when water is available for diversion of the right to “only” that flowing at the original diversion point does not seem to take into consideration the storage credit water held in the Pond near Marsh Creek. That storage credit water held for irrigation during the summer months should be available to make up the difference. Please check on this. Thank you! Lori

Lori Davis

Vice President, Loan Officer
NMLS # 451665

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From: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Sent: Friday, January 13, 2023 3:09 PM
To: Lori Davis <LDavis@ireland-bank.com>
Subject: External:Use Caution! Application for Transfer 86513 (Davis)

Dear Applicants:

Earlier this year, you filed Application for Transfer 86513 proposing to change the points of diversion and the 141-acre combined place of use for water rights 29-520 and 29-10131. The authorized source for water right 29-520 is South Fork Reese Creek. The authorized sources for water right 29-10131 are Reese Creek and South Fork of Reese Creek. Application 86513 proposes to inject Reese Creek water into Marsh Creek and divert water rights 29-520 and 29-10131 from pump stations on Marsh Creek. The following is a list of all the irrigation water rights you own in the area, sorted by priority date:

<u>Right No.</u>	<u>Priority Date</u>	<u>Source</u>
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29-520	4/1/1911	South Fork Reese Creek
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29-13381	11/23/1912	South Fork Reese Creek
29-2219	7/28/1919	Marsh Creek / Pond
29-10133	5/15/1930	Reese Creek / South Fork Reese Creek
29-2295C	11/27/1950	Marsh Creek
29-7355	11/15/1976	Springs

As you are aware, water rights on Marsh Creek and the Portneuf River are currently regulated in conjunction with water rights on the Snake River. In drought years, the curtailment level on the Snake River often drops to October 11, 1900. In other words, water rights junior to October 11, 1900 are curtailed for most of the summer. In 2021, for example, water rights junior to October 11, 1900 were curtailed from June 22nd to September 27th. In 2022, water rights junior to October 11, 1900 were curtailed from July 6th to October 14th.

Once the curtailment level drops to October 11, 1900, the only one of your rights available for diversion would be water right 29-10131 from Reese Creek/South Fork Reese Creek. As I review aerial imagery for the Reese Creek drainage, it appears the flow in Reese Creek and South Fork Reese Creek is very limited by mid-summer. In some imagery, sections of the creek channels are entirely dry. The Department cannot approve transfers that would result in injury to existing water rights or enlargement. (See Section 42-222(1), Idaho Code). Changing a point of diversion to gain access to a more-reliable supply of water would constitute an enlargement. The sources of water for water right 29-10131 are Reese Creek and South Fork Reese Creek. Water right 29-10131 will always be limited to the flow of water available on those sources at the original points of diversion. During times when water right 29-10131 is the only right in priority, if you divert more water from Marsh Creek than is available at the original points of diversion for water right 29-10131, you will enlarge the use under water right 29-10131 and will injure existing water rights on the Snake River.

Your transfer application raises significant injury and enlargement concerns. For most of the summer, water right 29-10131 will be the only right available for diversion. It seems unlikely that the flow in South Fork Reese Creek or Reese Creek will be sufficient to supply the full 1.70 cfs authorized by the right. In fact, it appears that Reese Creek will supply far less than the 1.70 cfs, if anything at all. To protect senior water rights on Marsh Creek, the Portneuf River and the Snake River, and to prevent enlargement of water right 29-10131, the following conditions will be added to water right 29-10131 in the approval of Transfer 86513:

Diversion of water under this right is limited to those times when water is available for diversion under the priority of this right at the original point of diversion from Reese Creek in the SENE of Section 22, T11S, R36E.

The quantity of water diverted from Marsh Creek under this right shall be limited to the quantity of water available for diversion under this right at the original point of diversion on Reese Creek or the quantity of water entering Marsh Creek from Reese Creek, whichever is less.

Prior to diversion and use of water under this approval, the right holder shall install and maintain acceptable measuring devices with data loggers at the Marsh Creek Diversion, located in the SWNE of Section 14, T11S, R36E, and the Pond Diversion, located in the NESE of Section 23, T11S, R36E, and shall install and maintain an open channel measuring device and data logger on Reese Creek immediately upstream of the Reese Creek point of diversion, located in the SENE of Section 22, T11S, R36E.

Each year, prior to December 1st, the right holder shall provide a report summarizing the daily diversion volumes for the irrigation season for the Marsh Creek diversion, located in the SWNE of Section 14, T11S, R36E and the Pond Diversion, located in the NESE of Section 23, T11S, R36E and daily flow volumes for the irrigation season for Reese Creek immediately upstream of the Reese Creek point of diversion, located in the SENE of Section 22, T11S, R36E. Upon request, the right holder shall provide the data logger data files, recording the rate of flow for the three sites at 15-minute intervals.

The diversion limits and measurement and reporting requirements of this right are intended to prevent injury to senior water right holders and to prevent enlargement of this right. Failure to install and maintain the required measuring devices and data loggers or failure to provide the annual diversion report is cause for the Department to rescind Transfer 86513.

These conditions will require a significant investment of time and money on your part. I wanted to make you aware of the measurement and reporting requirements prior to issuing the transfer approval. If you are unable or unwilling to install and maintain measuring devices and data loggers and to prepare and file annual reports summarizing daily flow rates, the proposed changes cannot be approved.

One other issue to make you aware of. Application 86513 proposes to change the storage site for water right 29-520. Currently, water right 29-520 authorizes storage in Davis Reservoir (located at the head of Reese Creek near Butch Spring). Application 86513 proposes to move that storage facility to the pond near Marsh Creek. The storage season of use for water right 29-520 (the time when you can capture water in the reservoir) is November 2 to March 31. To receive storage credit under water right 29-520 for the water captured in the Marsh Creek Pond, you will need to measure the amount of water diverted from South Fork Reese Creek into the pond during the winter months. The maximum volume of water that can be stored under water right 29-520 is 20 acre-feet. Water right 29-520 would carry similar measurement, recording and reporting conditions as those described above. If you plan on diverting water directly from South Fork Reese Creek, this may require a separate measuring device and data logger from the three described above.

Feel free to contact me with any questions or concerns. I plan on conducting a final review of Application 86513 in the week of January 30th.

 IDAHO DEPARTMENT OF
WATER RESOURCES
James Cefalo | Regional Manager
900 N Skyline Drive, Idaho Falls, ID 83402
(208) 525-7161 | www.idwr.idaho.gov

RECEIVED

July 11, 2022

JUL 12 2022

Department of Water Resources
Eastern Region

Idaho Dept. of Water Resources

RE: Cris and Laretta Davis application for water right changes

Right #29-10131

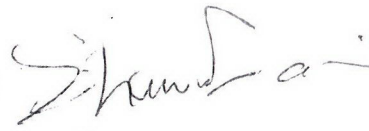
To whom it may concern,

A portion of this water right is on property vested in Glade and Jane Davis and another portion on property vested in Shawn and Kaylee Davis in the NWNE of Section 23.

Glade and Jane Davis and Shawn and Kaylee Davis hereby agree to the proposed point of use transfer to other acreage owned by Cris and Laretta Davis.

 ⁷⁻¹¹⁻²²
Glade Davis

Date:


Shawn Davis

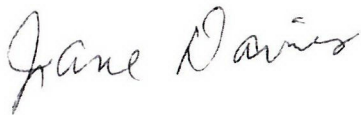
Date: 7-11-22

Jane Davis

Date:
7-11-22


Kaylee Davis

Date: 7-11-22



SCANNED
MAR 10 2023

Henman, Christina

From: Henman, Christina
Sent: Thursday, February 23, 2023 3:45 PM
To: Kristin Evans
Subject: Request for Watermaster Comment: 86513 Amendment
Attachments: 86513 Amendment.pdf; tmp3091.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced amended water right application. A copy of the amendment is attached. Please review the application, then complete the enclosed recommendation form and return it to this office within 14 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 14 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161



PROOF OF PUBLICATION
Idaho State Journal

RECEIVED

SEP 14 2022

State of Idaho
County of Bannock

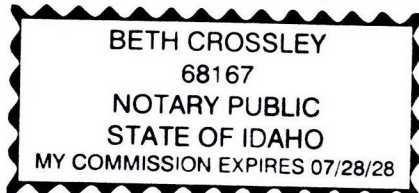
I, ~~Dawn Giannini~~, or Collins Crapo first being duly sworn, depose and say: That I am the ~~Classified Manager~~, or Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of Idaho State Journal, a newspaper of general circulation, published 4 days, Tues-Wed-Friday and Sunday, at Pocatello, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Idaho State Journal for 2 day(s), first publication having been made on 09/04/2022 last publication having been made on 09/11/2022, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Collins Crapo

Subscribed and sworn to before me, on this 12th day of September, 2022

Beth Crossley



Notary Public
My commission expires:

attached jurat

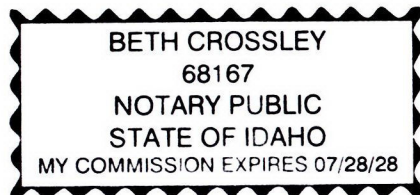
STATE OF IDAHO

ss.

COUNTY OF BANNOCK

On this 12th day of September, 2022 before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini~~ or Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they 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.



Beth Crossley

Notary Public for APG of the Rockies
Residing: Idaho Falls, Idaho
Commission expires:

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 86513**

CRIS G DAVIS and LAURETTA M DAVIS, PO BOX 76, DOWNEY, ID 83234 has filed Application No. 86513 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-10131, 29-520; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: add points of diversion, change place of use and change period of use. The proposed points of diversion are in SWNE Sec 14 (new rediversion), NESE Sec 20 (injection), NESE Sec 21 (injection), SENE Sec 22 (diversion and rediversion), SENE (new injection) and NESE Sec 23 (new), and NWSWSW Sec 28, T11S R36E for 1.70 cfs from Reese Creek and South Fork Reese Creek. The proposed place of use for irrigation and irrigation from storage is in Sec 14, 23, and 26, T11S R36E for 141 acres. The proposed place of use for irrigation storage is in NESE Sec 23 and NWSW Sec 24, T11S R36E. The proposed period of use for irrigation storage is 1/1 to 12/31. For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 9/26/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/7/2022 and 9/14/2022(ISJ63404-278884)

SCANNED

SEP 27 2022

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

RE: Transfer No. 86513

Transfer Applicant's Name: CRIS G DAVIS
LAURETTA M DAVIS
PO BOX 76
DOWNEY, ID 83234

Watermaster's Recommendation:

- a) X I do not oppose approval of this application.
- b) I do not oppose approval of this application if it is conditioned as follows:
- c) I oppose approval of this application for the following reasons:
- d) X Additional comments: Measuring devices and control works
 are already installed at proposed Points of Diversions. They are not proposing any increase of acreage therefore, I do not oppose approval of this transfer.

Dated this 19th day of September , 2022

Kristin Evans_____
Watermaster's Signature
WD29H

SCANNED
SEP 27 2022

Henman, Christina

From: Henman, Christina
Sent: Wednesday, August 31, 2022 4:45 PM
To: watermaster29h@gmail.com
Subject: Application for Transfer No. 86513
Attachments: tmp3091.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.