

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 87956**

This is to certify that: **ENGBERSON LAND COMPANY LLC**  
2262 N 600 E  
MONTEVIEW, ID 83435

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> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 31-10466           | WR/DECREED          | 4/1/1964             | 0.730 cfs             | 128.1 af                | 36.6              | 220.6              | GROUND WATER  |
| 31-2296            | WR/DECREED          | 10/27/1949           | 3.680 cfs             | 644.0 af                | 184.0             | 220.6              | GROUND WATER  |

**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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 31-10466              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 31-2296               | NO           | NO         | YES        | NO             | NO                   | NO                   |

**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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 31-10466               | 31-10466                         | 0.730 cfs            | 128.1 af               | 36.6              | 220.6              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 31-2296                | 31-2296                          | 3.680 cfs            | 644.0 af               | 184.0             | 220.6              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>4.410 cfs</b>     | <b>772.1 af</b>        | <b>220.6</b>      | <b>220.6</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

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 20<sup>th</sup> day of June, 2023.

  
\_\_\_\_\_  
Regional Manager

Transfer No. 87956

SUPPORT DATA  
IN FILE # 31-2296

SCANNED  
JUN 21 2023

**WATER RIGHT NO. 31-2296**  
**As Modified by Transfer No. 87956**

In accordance with the approval of Transfer No. 87956, Water Right No. 31-2296 is now described as follows:

**Right Holder:** ENGBERSON LAND COMPANY LLC  
 2262 N 600 E  
 MONTEVIEW, ID 83435

**Priority Date:** 10/27/1949

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| DOMESTIC              | 01/01       | to 12/31  | 0.040 cfs             |                         |
| IRRIGATION            | 04/01       | to 10/31  | 3.680 cfs             | 644.0 af                |
|                       |             |           | 3.680 cfs             | 644.0 af                |

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER      NWSWSW      Sec 12 Twp 07N Rge 33E JEFFERSON County

**PLACE OF USE: DOMESTIC**

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 07N | 33E | 12  |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |        |

**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 |        |
| 07N | 33E | 12  |    |    |    |    | 12.0 | 11.0 | 30.0 | 36.0 | 39.0 | 29.5 | 33.1 | 30.0 |    |    |    |    | 220.6  |

Right Acre Limit: 184.0

POU Total Acres: 220.6

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 184 acres within the place of use described above in a single irrigation season.
2. Rights 31-2296 and 31-10466 when combined shall not exceed a total irrigation of 220.6 acres.
3. Use of water under this right will 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. 110.

Transfer No. 87956

SCANNED

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**WATER RIGHT NO. 31-2296**

**As Modified by Transfer No. 87956**

**CONDITIONS OF APPROVAL**

4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Prior to the diversion and use of water under Transfer approval 87956, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
8. The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
9. 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 lands above.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**WATER RIGHT NO. 31-10466****As Modified by Transfer No. 87956**

In accordance with the approval of Transfer No. 87956, Water Right No. 31-10466 is now described as follows:

**Right Holder:** ENGBERSON LAND COMPANY LLC  
2262 N 600 E  
MONTEVIEW, ID 83435

**Priority Date:** 4/1/1964

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 04/01       | to 10/31  | 0.730 cfs             | 128.1 af                |
|                       |             |           | 0.730 cfs             | 128.1 af                |

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER      NWSWSW      Sec 12 Twp 07N Rge 33E JEFFERSON 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 |        |
| 07N | 33E | 12  |    |    |    |    | 12.0 | 11.0 | 30.0 | 36.0 | 39.0 | 29.5 | 33.1 | 30.0 |    |    |    |    | 220.6  |

Right Acre Limit: 36.6

POU Total Acres: 220.6

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 36.6 acres within the place of use described above in a single irrigation season.
2. Rights 31-2296 and 31-10466 when combined shall not exceed a total irrigation of 220.6 acres.
3. Use of water under this right will 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. 110.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Prior to the diversion and use of water under Transfer approval 87956, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

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SCANNED

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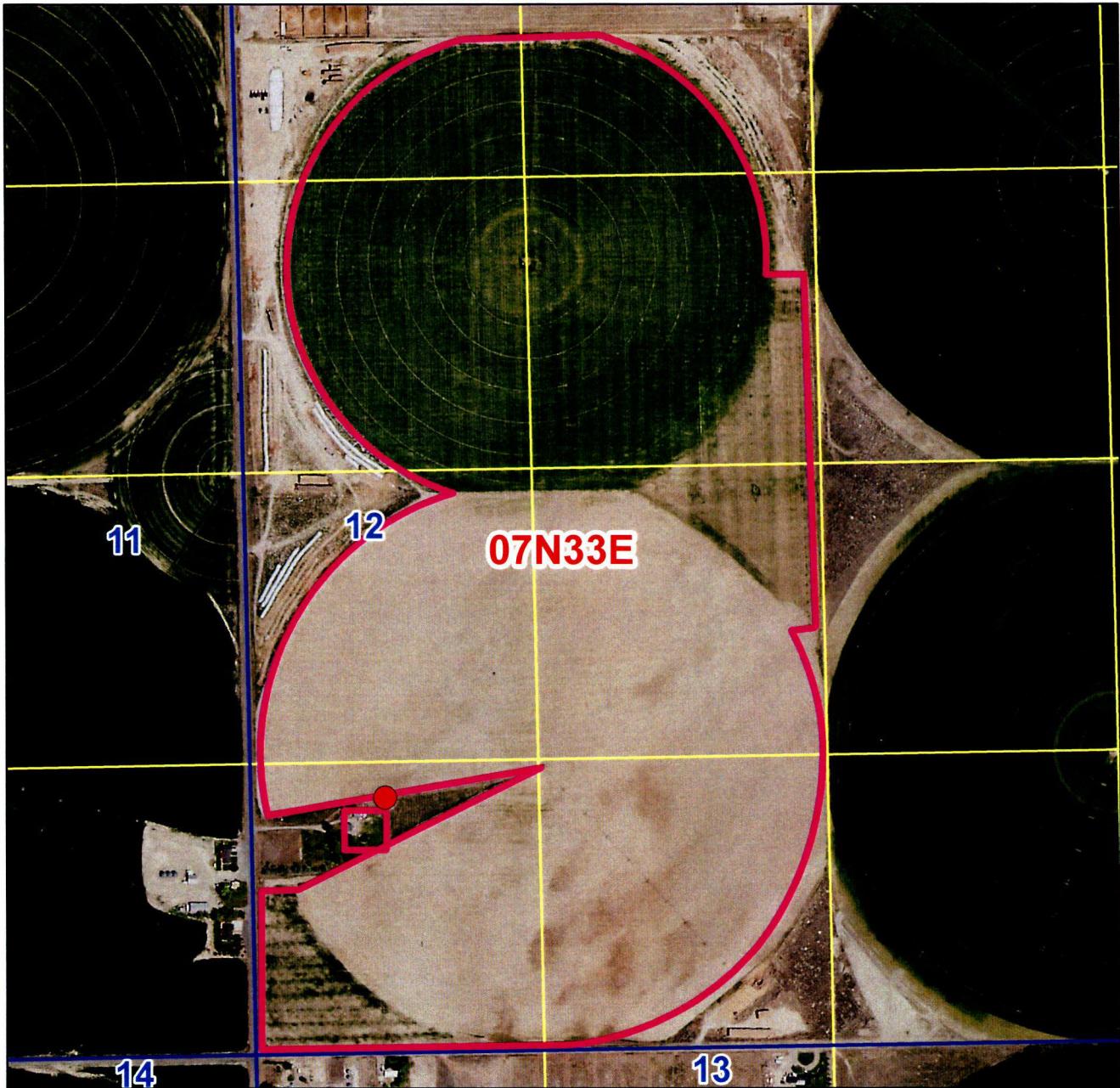
**WATER RIGHT NO. 31-10466**  
**As Modified by Transfer No. 87956**

**CONDITIONS OF APPROVAL**

6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
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 lands above.
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 Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

# Attachment to Transfer Approval 87956

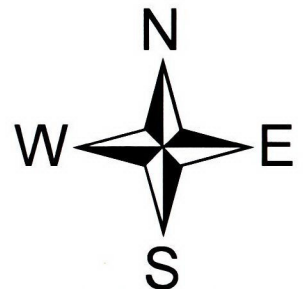
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



## Legend

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

0 500 1,000 2,000 Feet



SCANNED

Date: 6/20/2023

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 87956

**MINIMUM REQUIREMENTS CHECKLIST**  
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at [idwr.idaho.gov](http://idwr.idaho.gov).

Name of Applicant(s) Engberson Land Company LLC

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

**Yes N/A** \* Means the item is always required and must be included with the application.

- ☒ \* Completed Application for Transfer of Water Right form, Part 1.
- ☒ \* Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ \* Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ \* Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ \* Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

**Attachments to Application** - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. \*\*
- ☐ ☒ #2b 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).\*\*  
\*\* Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at [idwr.idaho.gov/water-rights/transfers/resources.html](http://idwr.idaho.gov/water-rights/transfers/resources.html).
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ \* #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Engberson Land Company LLC Phone 208-589-6357  
Mailing address 2262 N 600 E Montevue, ID 83435 Email \_\_\_\_\_

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer 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] Justin Engberson owner 5-16-23  
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

### A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
- Is this a transfer for changes pursuant to [Idaho Code § 42-221.O.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**.  
We propose to change the water right place of use to reflect the current irrigation practices.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## 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<br>(cfs/ac-ft) | Nature of Use | Period of Use  | Source & Tributary |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|----------------|--------------------|
| All or Part<br><input checked="" type="checkbox"/> <input type="checkbox"/> | 31-2296      | 3.68 / 644            | IRRIGATION    | 04/01 to 10/31 | GROUNDWATER        |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 31-10466     | 0.73 / 128.1          | IRRIGATION    | 04/01 to 10/31 | GROUNDWATER        |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |

Total authorized under rights 4.41 cfs and/or 772.1 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.4 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 # |
|-------|-----|---|---|---|-----|-----|-----|--------|--------|---------------------|
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |

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 |             |
| 07N                              | 34E | 12  |      |    |    |    | 12.0 | 11.0 | 30.0 | 36.0 | 39.0 | 29.5 | 33.1 | 30.0 |      |    |    |    | 220.6       |
|                                  |     |     |      |    |    |    |      |      |      |      |      |      |      |      |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |      |      |      |      |      |      |      |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |      |      |      |      |      |      |      |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |      |      |      |      |      |      |      |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |      |      |      |      |      |      |      |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |      |      |      |      |      |      |      |      |    |    |    |             |
| Total Acres (for irrigation use) |     |     |      |    |    |    |      |      |      |      |      |      |      |      |      |    |    |    | 220.6       |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

The diversion system has a department approved flow meter and the main power switch is lockable.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: \_\_\_\_\_

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The land will not be irrigated.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

N/A

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

**Yes No**

- ☐ ☒ undergone a period of five or more consecutive years of non-use,  
☐ ☒ currently leased to the Water Supply Bank,  
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or  
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

# IDAHO DEPARTMENT OF WATER RESOURCES

## WATER RIGHT REPORT

11/21/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 31-2296

| <u>Owner Type</u> | <u>Name and Address</u>                                                         |
|-------------------|---------------------------------------------------------------------------------|
| Current Owner     | ENGBERSON LAND COMPANY LLC<br>2262 N 600 E<br>MONTEVIEW, ID 83435<br>2085896357 |
| Original Owner    | ELMER D CARPENTER                                                               |
| Original Owner    | LIDA CARPENTER<br>HC 63 BOX 1782<br>TERRETON, ID 83450<br>2086572205            |

Priority Date: 10/27/1949

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | 10/31     | 3.68 CFS              | 644 AFA       |
| DOMESTIC              | 01/01       | 12/31     | 0.04 CFS              |               |
| Total Diversion       |             |           | 3.68 CFS              | 644 AFA       |

Location of Point(s) of Diversion:

GROUND WATER | NWSWSW | Sec. 12 | Township 07N | Range 33E | JEFFERSON County

IRRIGATION Use:

Acre Limit: 184

DOMESTIC Use:

Number of homes: 1

87956

SCANNED  
MAY 25 2023

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 07N             | 33E          | 12             |            | NENW         | 16.4         |            | NWNW         | 16.3         |            | SWNW         | 38.8         |            | SENW         | 37.6         |
|                 |              |                |            | NESW         | 30.5         |            | NWSW         | 29.5         |            | SWSW         | 21.5         |            | SESW         | 30           |

Place of Use Legal Description: DOMESTIC JEFFERSON County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 07N             | 33E          | 12             |            | SWSW         |              |            |              |              |            |              |              |            |              |              |

Total Acres: 220.6

Conditions of Approval:

1. 071 The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
2. X35 Rights 31-2296 and 31-10466 when combined shall not exceed a total irrigation of 220.6 acres.
3. 131 Prior to the diversion and use of water under Transfer approval 73534, the right holder shall install and maintain an acceptable measuring device, including data logger, at the authorized point of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
7. X27 This right is limited to the irrigation of 184 acres within the place of use described above in a single irrigation season.
8. R63 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 lands above.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. T08 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. R05 Use of water under this right will 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. 110.

# IDAHO DEPARTMENT OF WATER RESOURCES

## WATER RIGHT REPORT

11/21/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 31-10466

| <u>Owner Type</u> | <u>Name and Address</u>                                                         |
|-------------------|---------------------------------------------------------------------------------|
| Current Owner     | ENGBERSON LAND COMPANY LLC<br>2262 N 600 E<br>MONTEVIEW, ID 83435<br>2085896357 |
| Original Owner    | ELMER D CARPENTER                                                               |
| Original Owner    | LIDA CARPENTER<br>HC 63 BOX 1782<br>TERRETON, ID 83450<br>2086572205            |

Priority Date: 04/01/1964

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | 10/31     | 0.73 CFS              | 128.1 AFA     |
| Total Diversion       |             |           | 0.73 CFS              | 128.1 AFA     |

Location of Point(s) of Diversion:

GROUND WATER | NWSWSW | Sec. 12 | Township 07N | Range 33E | JEFFERSON County

IRRIGATION Use:

Acre Limit: 36.6

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

87956

SCANNED  
MAY 25 2023

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 07N             | 33E          | 12             |            | NENW         | 16.4         |            | NWNW         | 16.3         |            | SWNW         | 38.8         |            | SENW         | 37.6         |
|                 |              |                |            | NESW         | 30.5         |            | NWSW         | 29.5         |            | SWSW         | 21.5         |            | SESW         | 30           |

Total Acres: 220.6

Conditions of Approval:

1. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. X35 Rights 31-2296 and 31-10466 when combined shall not exceed a total irrigation of 220.6 acres.
3. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. 131 Prior to the diversion and use of water under Transfer approval 73534, the right holder shall install and maintain an acceptable measuring device, including data logger, at the authorized point of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. T08 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. R63 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 lands above.
8. X27 This right is limited to the irrigation of 36.6 acres within the place of use described above in a single irrigation season.
9. R05 Use of water under this right will 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. 110.

Dates:

Licensed Date:

Decreed Date: 06/10/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

87956

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MAY 25 2023

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 3

**A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)**

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a.**
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b.**

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

### B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a blank sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

**FOR DEPARTMENT USE ONLY**

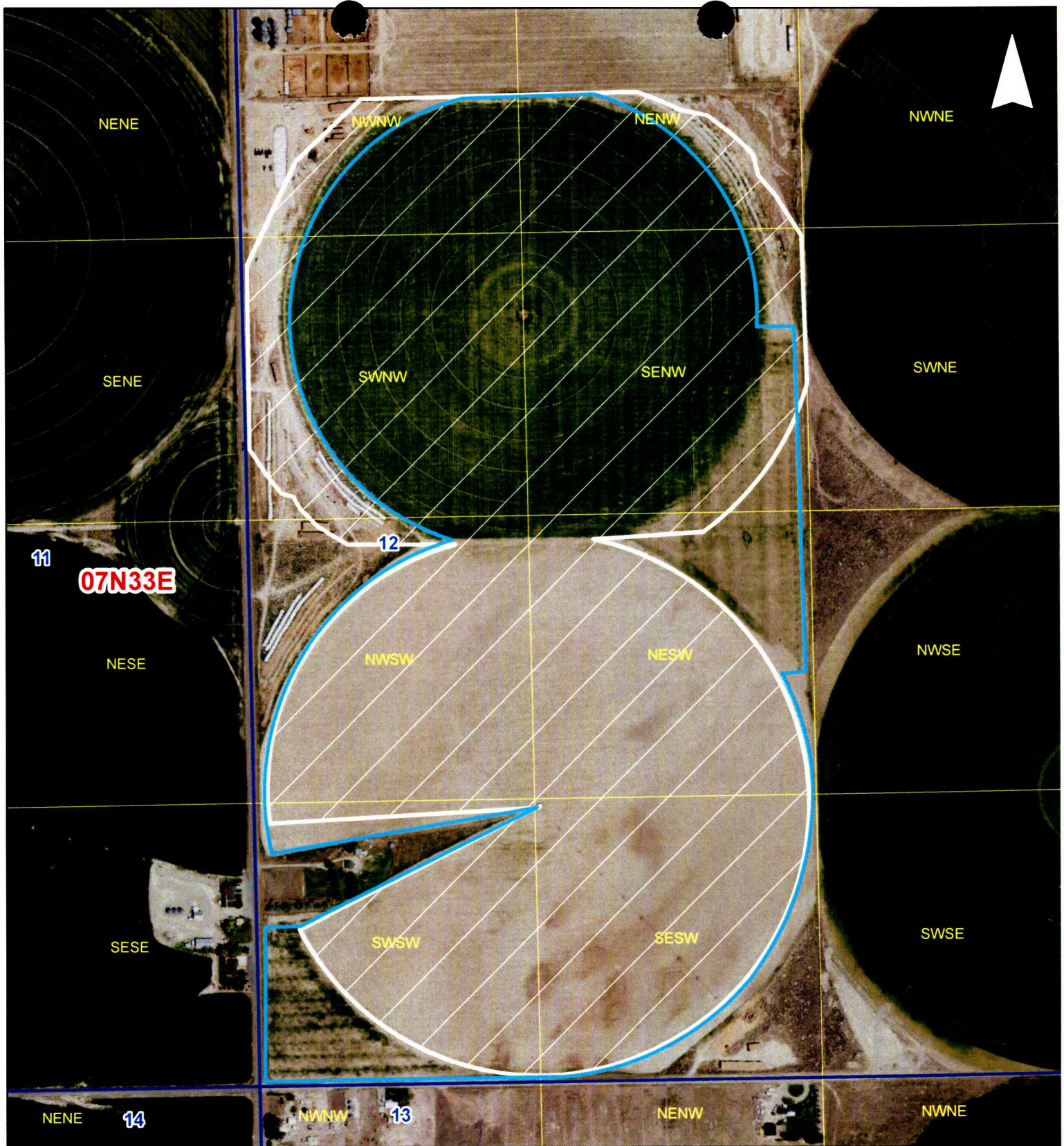
Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments.

Received by \_\_\_\_\_ Date \_\_\_\_\_ Preliminary check by \_\_\_\_\_ Date \_\_\_\_\_

Fee paid \$500.00 Date 5/16/23 Received by GAH Receipt # E049190

Add'l fee paid \_\_\_\_\_ Date \_\_\_\_\_ Received by \_\_\_\_\_ Receipt # \_\_\_\_\_

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



0 250 500 1,000 Feet

-  Proposed Place of Use
-  Water Right Place of Use
-  Township/Range
-  Sections
-  QQ

87956

SCANNED  
MAY 25 2023



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](mailto:easterninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Gary Spackman**

June 20, 2023

ENGBERSON LAND COMPANY LLC  
2262 N 600 E  
MONTEVIEW ID 83435

Re: Transfer No: 87956  
Water Right No(s): 31-2296, 31-10466

**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  
JUN 21 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 be 'CH', is written over the printed name.

Christina Henman  
Administrative Assistant

Enclosure  
CC:

SCANNED  
JUN 21 2023

## **CERTIFICATE OF SERVICE**

I hereby certify that on June 20, 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.: 87956**

**Water Right No(s): 31-2296, 31-10466**

**ENGBERSON LAND COMPANY LLC**

**2262 N 600 E**

**MONTEVIEW ID 83435**



---

**Christina Henman**  
**Administrative Assistant**

## **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:** May 22, 2023  
**To:** Transfer 87956  
**From:** Jared Adamson  
**Re:** Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to rearrange the combined place of use for water rights 31-2296 and 31-10466. The transfer is needed to reflect changes in the irrigation system. The transfer was in response to enforcement case number E2016-979. Applicant met with IDWR staff in 2016 and started putting together a draft transfer application (No. 78509). The application, however, was never completed or signed.

**Authority to File:**

The applicant is the current owner of the water rights per IDWR record and owner of the property at the proposed place of use per Jefferson County tax lot data (updated 7/12/2022). Justin Engberson, owner of Engberson Land Company LLC, signed the application.

**Water Right Validity:**

These water rights were decreed in 2002. In review of aerial photography available to the department there is no clear and convincing evidence showing that forfeiture has occurred. Forfeiture is not an issue.

**Injury to Other Water Rights:**

Injury to other rights will not result from the proposed changes. The rate, volume, and irrigated acres will remain the same. These rights are regulated by WD110 and the watermaster does not oppose the application.

**Enlargement of Use:**

The approval of this transfer will not result in an enlargement of a water right. Combined acre limit will be carried forward on the approval.

**Local Public interest:**

No issue identified.

**Beneficial Use/Conservation of Water Resources:**

No issue 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.

SCANNED  
JUN 21 2023

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

RE: Transfer No. 87956

Transfer Applicant's Name: ENGBERSON LAND COMPANY LLC  
2262 N 600 E  
MONTEVIEW, ID 83435

Watermaster's Recommendation:

- a) ☒ 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 30<sup>th</sup> day of May 2023.

Blake Jordan Blake Jordan  
Watermaster's Signature  
WD110

SCANNED  
JUN 21 2023

## Henman, Christina

---

**From:** Henman, Christina  
**Sent:** Thursday, May 25, 2023 3:12 PM  
**To:** Jordan, Blake  
**Subject:** Application for Transfer No. 87956  
**Attachments:** tmpA5B2.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://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. 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.

## MEMORANDUM

**Date:** May 22, 2023  
**To:** Transfer 87956  
**From:** Jared Adamson  
**Re:** Legal Notice Not Required

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

SCANNED  
MAY 25 2023