

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. \_\_\_\_\_

**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) Mark & Ellen Brandt Family Trust

**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 <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☐ ☒ #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

RECEIVED

DEC 18 2023

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

Department of Water Resources  
Eastern Region

Name of Applicant(s) Mark & Ellen Brandt Family Trust Phone 760-455-1554  
Mailing address 299 W Main St. Brawley, CA 92227 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 Rocky Mountain Water Exchange, LLC Phone 208-524-2353  
Mailing address 482 Constitution Way, Suite 303, Idaho Falls, Idaho 83402 Email kristin.rmea@gmail.com

- ☐ 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 of Applicant or Authorized Representative

MARK BRANDT, TRUSTEE  
Print Name and Title if applicable

9-28-23  
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 §42-221.0.8?

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**.

Applicant proposes to change 2.5 acres of water right 23-11493 from irrigation to recreation storage to maintain two lined ponds and reconfigure the irrigated acres to accommodate pivot irrigation.

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      |
|--------------------------------------------------------------------------|--------------|-----------------------|----------------------|---------------|-------------------------|
| <input checked="" type="checkbox"/> All or <input type="checkbox"/> Part | 23-11493     | 1.24 cfs              | Irrigation           | 4/15 to 10/31 | Palisades Creek / Sn Rv |
| <input checked="" type="checkbox"/> <input type="checkbox"/>             |              | 0.08 cfs              | Diversion to Storage | 4/15 to 10/31 | Palisades Creek / Sn Rv |
| <input type="checkbox"/> <input type="checkbox"/>                        |              | 4.6 afa               | Recreation Storage   | 1/01 to 12/31 | Palisades Creek / Sn Rv |
| <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 1.32 cfs and/or \_\_\_\_\_ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.17 cubic feet per second and/or 4.6 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 |             |
| 01N                              | 44E | 21  |      |    |    | 33 |      |    |    |    |      |    |    |    | 6.5  |    |    |    | 39.5        |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    | RS   |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
| Total Acres (for irrigation use) |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    | 39.5        |

RS = Recreation Storage

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:  
Water is currently diverted through Palisade Canal and through a lateral to deliver water to the place of use.  
Palisade Canal currently has measuring device and lockable controlling works and is administered by the water master.
- b. Who owns the property at the point(s) of diversion? Idaho Fish and Game Commission  
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:  
Existing and historical diversion works for Palisades Irrigation Co., who delivers the water right through their conveyance 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:  
2.5 acres within the footprint of the ponds will be retired from irrigation.  
 \_\_\_\_\_  
 \_\_\_\_\_
- 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:  
No other water right at Existing/Proposed POU. POD is shared by many other users, including Palisades Irrigation Co.  
 \_\_\_\_\_  
 \_\_\_\_\_
- 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

7/10/2023

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 23-11493

| <u>Owner Type</u> | <u>Name and Address</u>                                                                   |
|-------------------|-------------------------------------------------------------------------------------------|
| Current Owner     | MARK & ELLEN BRANDT FAMILY TRUST<br>299 W MAIN ST<br>BRAWLEY, CA 92227-2240<br>7604551554 |
| Original Owner    | LONE CEDAR LAND & CATTLE LLC<br>PO BOX 202<br>IRWIN, ID 83428<br>2084833656               |

Priority Date: 08/15/1893

Basis: Decreed

Status: Active

| <u>Source</u>   | <u>Tributary</u> |
|-----------------|------------------|
| PALISADES CREEK | SNAKE RIVER      |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/15       | 10/31     | 1.32 CFS              |               |
| Total Diversion       |             |           | 1.32 CFS              |               |

Location of Point(s) of Diversion:

PALISADES CREEK|SWSE|Sec. 26|Township 01N|Range 44E|BONNEVILLE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE 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> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 01N             | 44E          | 21             |            | SENE         | 30           |            |              |              |            |              |              |            |              |              |
|                 |              |                |            | NESE         | 12           |            |              |              |            |              |              |            |              |              |

Total Acres: 42

Conditions of Approval:

1. 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.
2. F01 Water is delivered through Palisades Canal.
3. E17 Use of this right is combined with water from The Palisade Irrigation Co.

Dates:

Licensed Date:

Decreed Date: 02/08/2010

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

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: TBD

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

**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 (WaterBalance)

- ☒ 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 single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

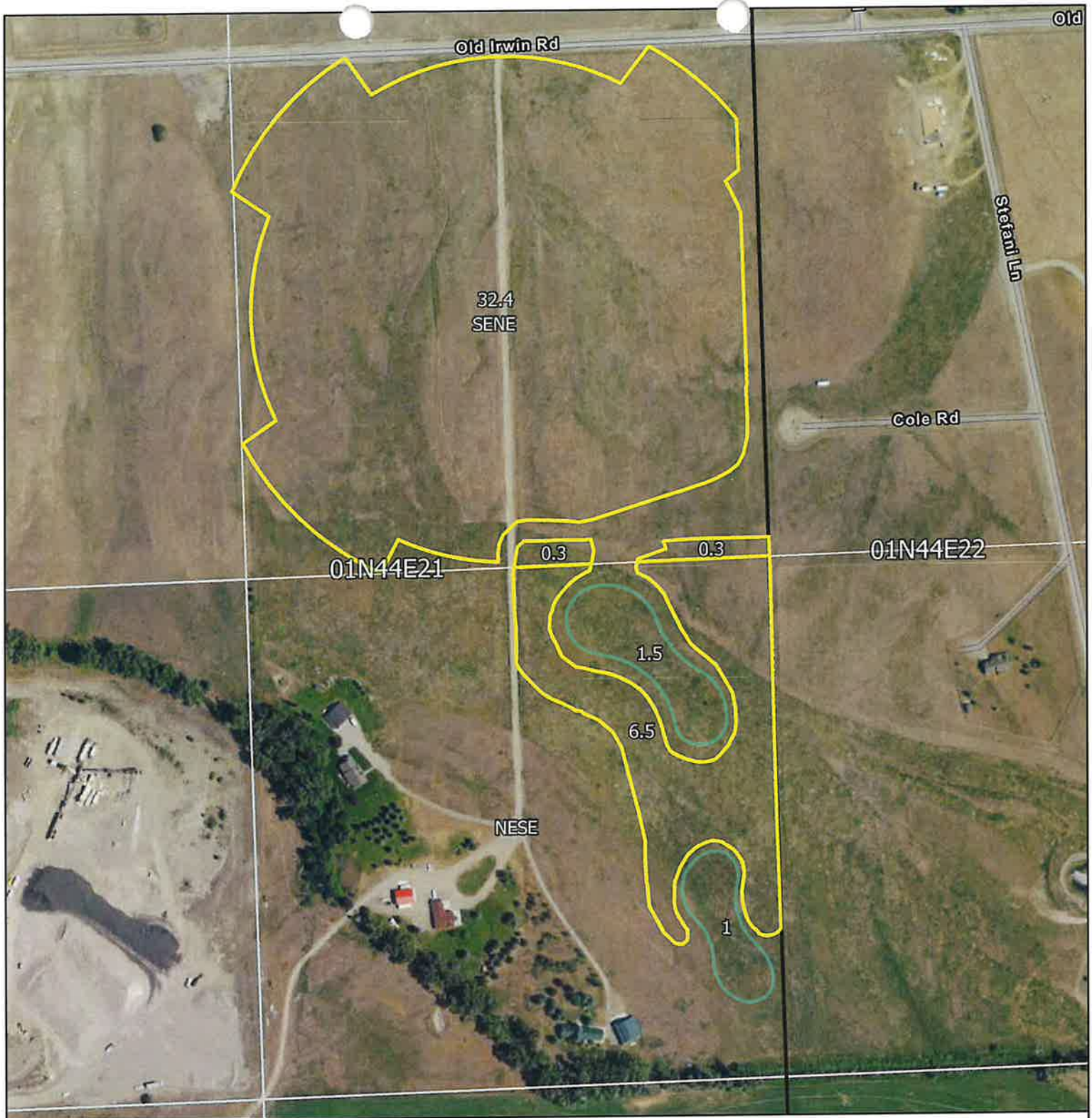
Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments.

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

Received by \_\_\_\_\_  
 Fee paid \$ 450.00 (<sup>950</sup> check) Date 12/18/23 Received by CTH Receipt # E049687

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)

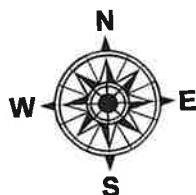


0 125 250 500 750 1,000 US Feet

NAIP 2021

## Legend

- Ponds
- POU
- Twnshp & Rng
- Sections
- QQs



## Attachment #7a Proposed Location

Mark & Ellen Brandt

Project #: 22-0162

Drawn by: BC

Date: 8/8/2023



Rocky Mountain  
**ENVIRONMENTAL**  
ASSOCIATES, INC.

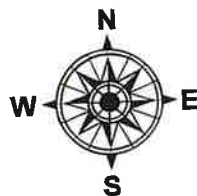
88691



NAIP 2021

## Legend

- Existing POU
- Retired From Irrigation
- Twnshp & Rng
- Sections
- QQs



## Attachment #7b Existing Location

Mark & Ellen Brandt

Project #: 22-0162

Drawn by: BC

Date: 8/8/2023



**Rocky Mountain**  
**ENVIRONMENTAL**  
ASSOCIATES, INC.

**88691**

## Conversion of Nature of Use

Mark & Ellen Brandt Family Trust

Application for Transfer of Water Right 23-11493

Applicant proposes to develop two new lined ponds that will be approximately 2.5 acres in surface area and up to 15' deep. This application proposes to convert a portion of the existing water right to provide for the consumptive components of the new ponds.

### Storage Volume and Pond Fill

The proposed ponds will be located in the south portion of the applicant's property. Volume of the ponds is calculated to be 24.1 acre-feet, as determined by the following equation:

$$V = 1/3 \pi (R^2 + Rr + r^2) h$$

R = radius of a circular area of the surface area of each pond.

r = radius of the flat bottom of the pond

h = max depth of the pond

#### 1.5-acre pond

Slope of 1/3 (1 foot of drop every 3 feet)

1.5 acres = 65,340 ft<sup>2</sup>

$R = \text{SqrRoot}(65,340 \text{ ft}^2 / \pi) = 144.25 \text{ ft}$

$r = 144.25 \text{ ft} - 15 \text{ ft} / (1/3) = 98.80 \text{ ft}$

$V = (1/3 \pi (144.25^2 + 144.25 \times 98.80 + 98.80^2) 15) / 43,560 \text{ (conversion to AF)} = 16.15 \text{ AF}$

#### 1.0-acre pond

Slope of 1/4 (1 foot of drop every 4 feet)

1.0 acres = 43,560 ft<sup>2</sup>

$R = \text{SqrRoot}(43,560 \text{ ft}^2 / \pi) = 117.78 \text{ ft}$

$r = 117.78 \text{ ft} - 12.5 \text{ ft} / (1/3) = 67.78 \text{ ft}$

$V = (1/3 \pi (117.78^2 + 117.78 \times 67.78 + 67.78^2) 12.5) / 43,560 \text{ (conversion to AF)} = 7.94 \text{ AF}$

### 24.1 AF Total Pond Volume

First-time fill of the pond will be mitigated through water rented from the Water Supply Bank or Water District 01 Rental Pool, likely for Spring 2024.

### Evaporation

Historically, water right 23-11493 has been used to irrigate grass-hay. Using ET Idaho 2017, and based upon information gathered at the Swan Vally 1 (NWS – USC00108937), grass hay has a precipitation deficit of 562 mm/year, or 1.84 af/year, for the growing season. Using IDWRs Pond Loss Calculation Spreadsheet, an excerpt of which is shown in Figure 1, evaporation of the 2.5 acre pond is calculated to be 3.1 afa.

Station: Swan Valley 1W (NWS -- USC00108937)

| Month     | mm/day <sup>1</sup> | Days per month | mm/Month |
|-----------|---------------------|----------------|----------|
| Jan       | -0.92               | 31             | 0.00     |
| Feb       | -0.36               | 28             | 0.00     |
| March     | 0.23                | 31             | 7.13     |
| April     | 0.95                | 30             | 28.50    |
| May       | 0.79                | 31             | 24.49    |
| June      | 2.55                | 30             | 76.50    |
| July      | 3.35                | 31             | 103.85   |
| August    | 2.61                | 31             | 80.91    |
| September | 1.38                | 30             | 41.40    |
| October   | 0.35                | 31             | 10.85    |
| November  | -0.84               | 30             | 0.00     |
| December  | -0.89               | 31             | 0.00     |

Total mm/year = 373.63

$$[(\text{mm/yr}) \div (\text{convert to feet})] \times (\text{Surface area of pond, in acres}) = \text{Evaporation Loss in Acre Feet}$$

$$(373.63 \div 304.8) \times 2.50 = 3.1 \text{ AFA}$$

Figure 1. Excerpt of IDWR Pond Loss Calculation Spreadsheet

It is proposed that to mitigate for pond consumption, a portion of water right 23-11493 will be retired from irrigation purposes. Using the same historical use as described in the section above, it is calculated to require 1.7 acres to retire permanently from irrigation upon development of the ponds.

$$\text{Acres to Retire for Mitigation} = 3.1 \text{ afa} / 1.84 \text{ ft/yr} = 1.7 \text{ acres}$$

While only 1.7 acres are required to satisfy mitigation of the new ponds, it is proposed to retire the water right under the footprint of the ponds, which is a total of 2.5 acres of irrigation water right (4.6 afa), leaving a total of 39.5 acres remaining for irrigation under the water right.

### Summary of Proposal

Two new ponds with a surface area of 2.5 acres are proposed to have a depth of up to 12.5-15 ft and a volume of 24.1 acre feet. The ponds will be lined and will require rental of water through the Water Supply Bank or Water District 01 Rental Pool for first-time fill. Applicant will prepare those applications upon approval of this transfer.

Evaporation is expected to be 3.1 acre feet per year. To mitigate for evaporative losses, a minimum of 1.7 acres of water right 23-11493, must be retired. It is proposed to retire 2.5 acres from irrigation to convert to recreation storage.



December 14, 2023

Idaho Department of Water Resources  
900 N Skyline Dr. Ste A  
Idaho Falls, ID 83404

RMEA 22-0162

RECEIVED

DEC 18 2023

Re: Application for Transfer of Water Right 23-11493

Department of Water Resources  
Eastern Region

Dear Agent,

Please find enclosed an Application for Transfer and a check in the amount of \$450 for filing fees (\$200 Transfer Fee + \$250 Change in Nature of Use).

This application proposes to reconfigure the irrigation place of use and convert a portion of it for maintenance of two ponds. For the past two years, the water right holder has been pursuing installation of an irrigation system to improve efficiency and be able to deliver water to the entire property. Water shortages have played a role in delivery of water. As of the end of the 2023 irrigation season, the entire acreage authorized was under irrigation by pivots and handlines.

Please contact our office with any questions regarding this application.

Thank you,

A handwritten signature in blue ink that reads "Kristin Moore".

Kristin Moore  
Senior Water Rights Analyst

Enclosures:      Application for Transfer 23-11493  
                         Check



IDAHO DEPARTMENT  
**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 Mathew Weaver**

December 27, 2023

MARK & ELLEN BRANDT FAMILY TRUST  
299 W MAIN ST  
BRAWLEY, CA 92227-2240

RE: Transfer No. 88691  
Water Right No(s). 23-11493

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the POST REGISTER on 1/3/2024 and 1/10/2024. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

Christina Henman  
Administrative Assistant

CC:  
ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC  
482 CONSTITUTION WAY STE 303  
IDAHO FALLS, ID 83402-3552

## Henman, Christina

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**From:** Henman, Christina  
**Sent:** Wednesday, December 27, 2023 3:05 PM  
**To:** legalnotices@postregister.com  
**Subject:** Legal Notice for Post Register  
**Attachments:** 88691, 88699 Post Register.docx

LEGAL NOTICE DEPARTMENT  
POST REGISTER  
PO BOX 1800  
IDAHO FALLS, ID 83403-1800

RE: Transfer No. 88691, 88699

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 1/22/2024. Your cooperation is appreciated.

Thank You,



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

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

**TRANSFER NO. 88691**

**MARK & ELLEN BRANDT FAMILY TRUST**, 299 W MAIN ST, BRAWLEY, CA 92227-2240 has filed Application No. 88691 for changes to the following water rights within BONNEVILLE County(s): Right No(s). 23-11493; 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: change place of use, period of use, and nature of use. Applicant proposes to divert 1.32 cfs from Palisades Creek through Palisades Canal for irrigation and recreation storage (new use). Proposed place of use is in SENE and NESE Sec 21 T01N R44E for irrigation of 39.5 acres and NESE Sec 21 T01N R44E for 4.6 af of recreation storage. Proposed period of use for recreation storage is 1/1 to 12/31.

**TRANSFER NO. 88699**

**FARMLAND RESERVE INC**, 79 S MAIN ST STE 1000, SALT LAKE CTY, UT 84111-1945 has filed Application No. 88699 for changes to the following water rights within POWER County(s): Right No(s). 35-14240, 35-14241, 35-14242, 35-14243, 35-14655; 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: amend the mitigation conditions of the water rights. Applicant filed a Substitute Mitigation Plan that proposes to retain existing conditions (authorizing mitigation through the non-use of water rights 29-2284 and 29-2301) and proposes to mitigate depletions through the recharge of storage water.

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 1/22/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 1/3/2024 and 1/10/2024