

RECEIVED

STATE OF IDAHO

Transfer No.

88743

DEPARTMENT OF WATER RESOURCES

JAN 25 2024

MINIMUM REQUIREMENTS CHECKLIST

Department of Water Resources TO BE SUBMITTED WITH APPLICATION FOR TRANSFER
Eastern Region

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.

Name of Applicant(s) CX Holdings Inc.

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 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) CX Holdings Inc. Phone 208-221-0570
Mailing address 1034 Kimball Lane, Bancroft, ID 83217 Email reedcrandall@gmail.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**.

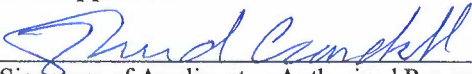
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ 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.

<u></u> Signature of Applicant or Authorized Representative	<u>President</u> Print Name and Title if applicable	<u>1-25-24</u> Date
<u>Craig E. Crandall</u> Signature of Applicant or Authorized Representative <u>Kimball Lane LP</u>	<u>General Partner</u> Print Name and Title if applicable	<u>01-25-2024</u> Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. 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**.
3. 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**.
This transfer proposes to combine 45 acres of water right 29-10174 with water right 29-26 to irrigate 133 acres within a 155-acre permissible place of use. Transfer also correct point of diversion for water right 29-26. Permissible place of use gives us flexibility to install a pivot on the property in the future as resources allow.

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 (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ All or ☐ Part					
☒	29-26	1.76 cfs	Irrigation	4/15 to 9/15	Portneuf River
☐	29-10174	0.90 cfs	Irrigation	4/15 to 9/15	Portneuf River
☒				to	
☒				to	
☒				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 2.66 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 2.66 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		SW	NW	5	07S	39E	Caribou	Portneuf River	
		NW	NW	SE	8	07S	39E	Caribou	Portneuf River	Point of Injection
		SW	SW	SE	8	07S	39E	Caribou	Portneuf River	Point of Re-Diversion
										(Injection & Re-div
										on 24-Mile 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	
07S	39E	8									40			35		40	40		155
Total Acres (for irrigation use)																			155

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:

Portneuf River point of diversion is regulated by the watermaster for Water District 29. Diversion is already equipped with a measuring device.

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

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:

Acres being moved will now be irrigated by ground water rights 29-2390, 29-2414 and 29-2535.

Application for Transfer 86187 has been filed to change place of use for ground water rights to cover the acres dried up through this application.

- 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:

Water rights 29-12A, 29-75, 29-76, 29-78A, 29-10173, 29-10174, 29-10175, 29-13428 and 29-13429

should be reduce by 45 acres to account for this transfer. Water right 29-2415 should also be updated to reflect the 45 acre reduction in the combined acre limit.

- 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:

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 rights(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:

N/A

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$660.00 Date 1/25/24 Received by *at du* Receipt # E049758

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)

IDAHO DEPARTMENT OF WATER RESOURCES

1/25/2024

Proof Report

Water Right 29-26

Owner Type **Name and Address**
 Current Owner KIMBALL LANE LTD PARTNERSHIP
 1034 KIMBALL LN
 BANCROFT, ID 83217

Priority Date: 9/1/1888**Basis:** Decreed**Status:** Active

Source
 PORTNEUF RIVER

Tributary
 SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	09/15	1.760 CFS	
	Total Diversion		1.760 CFS	

Source and Point(s) of Diversion:

PORTNEUF RIVER	NWSW	Sec. 5, Twp 07S, Rge 39E, CARIBOU County
PORTNEUF RIVER	NWNWSE	Sec. 8, Twp 07S, Rge 39E, CARIBOU County(I)
PORTNEUF RIVER	SWSWSE	Sec. 8, Twp 07S, Rge 39E, CARIBOU County(R)

Place of Use:

IRRIGATION within CARIBOU 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	
07S	39E	8									14.0			17.0		29.0	28.0		88.0

POU Total Acres: 88.0

Conditions of Approval:

- G02 POINT OF INJECTION INTO TWENTYFOUR MILE CREEK. POINT OF REDIVERSION FROM EIGHTEEN MILE CREEK.
- C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- G03 WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED BY INJECTING WATER DIVERTED UNDER THIS RIGHT INTO TWENTYFOUR MILE CREEK AT THE POINT OF INJECTION DESCRIBED ABOVE, AND DIVERTING AN EQUAL AMOUNT FROM EIGHTEEN MILE CREEK AT THE POINT OF REDIVERSION DESCRIBED ABOVE.
- 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

1/25/2024

5. S35 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/25/2024

Water Right 29-10174

Owner Type **Name and Address**
Current Owner CX HOLDINGS INC
1034 KIMBALL LN
BANCROFT, ID 83217-5155

Priority Date: 9/1/1888

Basis: Decreed

Status: Active

Source
PORTNEUF RIVER

Tributary
SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	09/15	3.720 CFS	
	Total Diversion		3.720 CFS	

Source and Point(s) of Diversion:

PORTNEUF RIVER L4(NWNW)
PORTNEUF RIVER NWSE

Sec. 5, Twp 07S, Rge 39E, CARIBOU County
Sec. 31, Twp 06S, Rge 39E, CARIBOU County

Place of Use:

IRRIGATION within CARIBOU 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	
06S	39E	31													20.0	9.7	38.0	40.0	107.7
06S	39E	32		40.0	40.0		40.0	36.0	36.0	40.0	40.0	38.0	40.0	40.0		40.0	40.0		470.0
06S	39E	33											38.0						38.0
07S	39E	3										40.0							40.0
07S	39E	4			27.0 L2	27.0 L1			28.0 L4	27.0 L3	40.0	40.0			40.0	40.0			269.0
07S	39E	5			28.0 L2	28.0 L1			27.0 L4	28.0 L3	40.0	40.0	40.0	25.0	40.0	40.0	23.0		359.0
07S	39E	8					37.0	40.0		40.0									117.0

Right Acre Limit: 186.00
POU Total Acres: 1,400.7

Conditions of Approval:

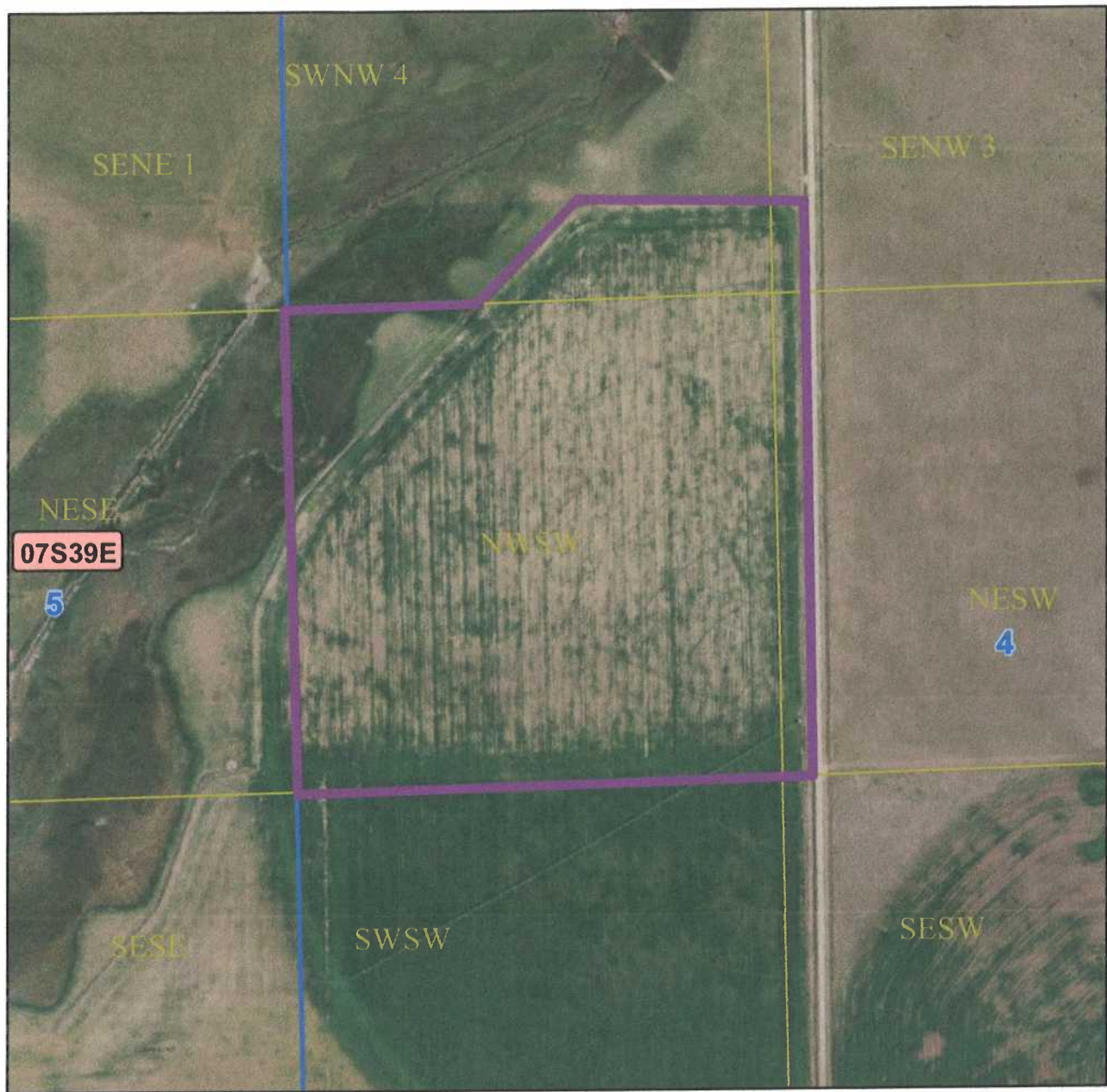
- C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
- E52 USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 12.46 CFS. COMBINED RIGHT NOS.: 29-12A, 29-10173, 29-10174 AND 29-13429.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

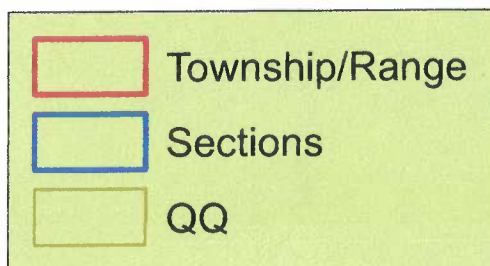
1/25/2024

3. F05 RIGHT NOS.29-12A, 29-10173, 29-10174 AND 29-13429 ARE ALL DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. S35 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
6. K01 RIGHT NO. 29-13429 IS AN ENLARGEMENT OF THE RIGHTS LISTED BELOW PURSUANT TO SECTION 42-1426, IDAHO CODE. RIGHT NOS.: 29-12A, 29-10173 AND 29-1074
7. P29 THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS.29-27 AND 29-28.
8. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
9. E56 USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1400.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-12A, 29-75, 29-76, 29-78A, 29-2415, 29-10173, 29-10174, 29-10175, 29-13428, 29-13429
10. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 186 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Application for Transfer - CX Holdings 45 Acres to Move from Water Right 29-10174



2021 Imagery



0 300 600 1,200 Feet



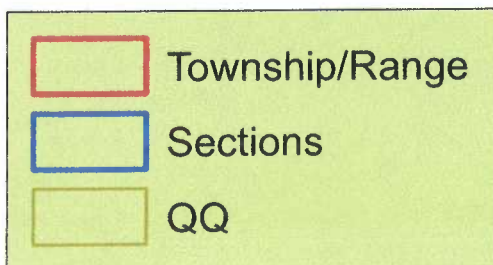
88743

Application for Transfer - CX Holdings

Initial 133 Acres to be Irrigated in 155-Acre PPU



2021 Imagery



0 500 1,000 2,000 Feet



88743

Henman, Christina

From: Henman, Christina
Sent: Wednesday, January 31, 2024 2:46 PM
To: hebdonstevens@gmail.com
Subject: Application for Transfer No. 88743
Attachments: tmpD960.docx; 88743 Application.pdf

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the attached water right application. 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: January 26, 2024
To: Transfer 88743
From: James Cefalo
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.