

APR 17 2024

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

DEPARTMENT OF WATER RESOURCES
EASTERN REGION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. APPLICANT(S) Michale D Mitchell Phone 801-710-0367
 2. MAILING ADDRESS 468E 700N City Firth
 State Idaho Zip 83236 Email michaeldmitch@yahoo.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 27-12330

- ☒ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 0.080 cubic feet per second and/or 16.8 acre-feet per annum.
 (diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
			SW	SE	26	01S	36E	Bingham	Ground Water	Shallow Well

6. 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:

A Shallow Well will be used that is 18ft or Less with the location shown on the attached Map.

- b. Who owns the property at the point(s) of diversion? Michale D Mitchell
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

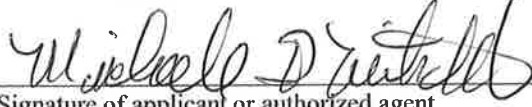
If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

Michale D Mitchell
Print name and title if applicable

17 APRIL 2024
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid \$300.- Date 4/17/2024 Received by JB Receipt # E049973

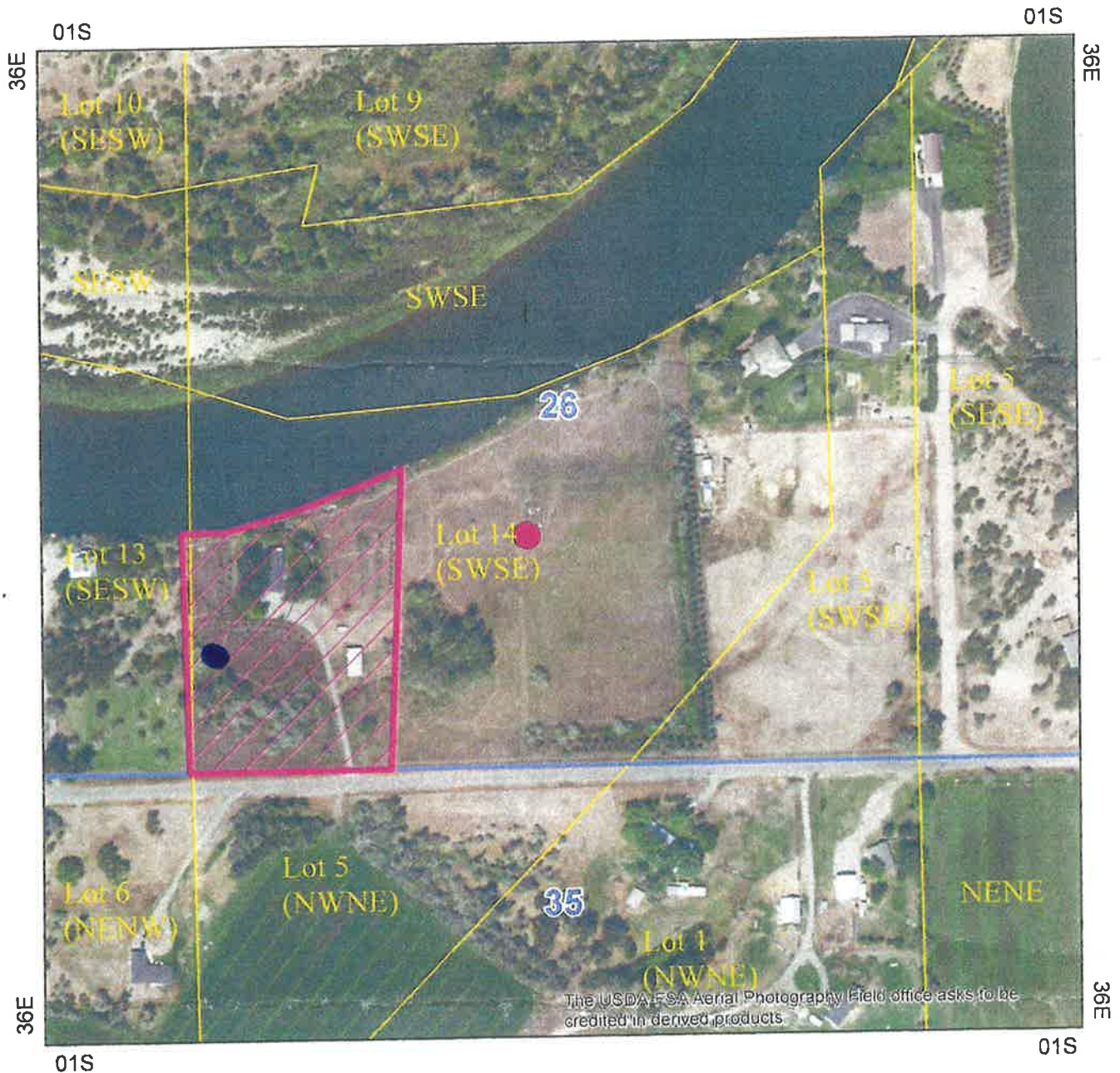
Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

State of Idaho
Department of Water Resources

Water Right 27-12330



- 27-7538
Water Right POD
- Water Right POU
- Townships
- PLS Sections
- Quarter Quarters

0 250 500 1,000 Feet

27-12330 SHALLOW WELLS ≤ 18Ft
POD



4/8/2024

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MICHALE D MITCHELL 468 E 700 N FIRTH, ID 83236-1115 (801) 710-0367

Status: Active

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	0.080 CFS	16.8 AF
	Total Diversion		0.080 CFS	16.8 AF

Source and Point(s) of Diversion:
GROUND WATER L14(SWSE) Sec. 26, Twp 01S, Rge 36E, BINGHAM County

IRRIGATION within BINGHAM County																				
			NE				NW				SW				SE					
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals	
01S	36E	26															4.2 L14		4.2	
																		POU Total Acres: 4.2		

1.	049	The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
2.	048	The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
3.	R31	This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

1	JCefalo	1/4/2022	Split Right
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IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/8/2024

This right is the result of split from 27-7538.

2 JCefalo 1/4/2022 POU
Updated Shape

Dates and Other Information:

Water District Number: 120
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

Lease ID: 1672

Lease Type: Contract
Lease Status: Active
Lease Start Date: 1/1/2023
Lease End Date: 12/31/2027

RELEASED SEE FOLLOWING PAGES.

Beneficial Use	Div Rate Leased	Div Volume Leased	Acre Limit Leased	Total Acres Leased
Irrigation	0.08	16.80	4.20	4.20

Water Supply Bank release form - 27-12330

michaeldmitch@y.../Inbox



Condon, Mary <mary.condon@idwr.idaho.gov>

To: michaeldmitch@yahoo.com <michaeldmitch@yahoo.com>

Cc: Bank <bank@idwr.idaho.gov>

Apr 8 at 2:23 PM

Good afternoon, Michale,

Thank you for your time this morning regarding your leased water right, 27-12330. The water right, tax parcel, and lease contract are all for 4.2 acres of irrigation. The irrigation acre portion under the house and driveway should not have been placed into the water supply bank and would not be eligible to keep in the bank since the non-use of that portion was more than seven years ago. The remaining acres under the water right that are under irrigation, whether by 'culinary' well or other well, remains irrigated and is not eligible to be leased into the water supply bank. I have attached the release request form for you to fill out and return to our office as soon as possible.

Additionally, I spoke with Blake Jordan following my conversation with you this morning. He is a water right supervisor in the IDWR eastern regional office and is also the watermaster in the water district your parcel is located. Since you are using a shallow well not described as the point of diversion on your water right, you will also need to file a Transfer application to change the diversion location. If the diversion point is changed through the transfer, it would not require a measuring device since the total number of acres irrigated and diverted from the well is under 5 acres, but that acre limitation could change in the near future. Please visit our website under [water right transfers](#) to download the transfer application form and instructions. If you have questions about filing the transfer application or accessing resources, please contact the regional office at 208-525-7161 and ask to speak with the water agent of the day. Any IDWR water resource agent can assist you with filing the transfer application.

Best,
Mary

Mary Condon
Water Supply Bank Program Coordinator



IDAHO DEPARTMENT OF
WATER RESOURCES

Planning & Projects

mary.condon@idwr.idaho.gov

Direct: (208) 287-4936

SKYLINE, BRODAWA
900 W SKYLINE DRIVE
IDWR

2 Files 636.4kB



M Mitchell 27-12330.pdf

101kB



WSB-request-to-release-a-water-right-from-the-bank.pdf

535kB



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

April 11, 2024

MICHALE D MITCHELL
468 E 700 N
FIRTH ID 83236

RE: LEASED WATER RIGHT NO(S). 27-12330 RELEASED FROM THE WATER SUPPLY BANK

Dear Mr. Mitchell,

On April 8, 2024, I spoke on the phone with you about vegetation visible on the property under water right 27-12330 in 2023 satellite imagery and inquired with you about possible water use while the water right was leased into the Water Supply Bank (Bank). You agreed to submit to the Department of Water Resources (Department) a request to release the water right from the Board's bank so that you can continue using the water right to irrigate the property for 2024 and future years.

On April 10, 2024, the Department received your request to cancel the existing Bank Lease Contract executed on February 21, 2023 and release water right(s) 27-12330 from the Bank. **At this time the Department acknowledges that the Bank Lease Contract for 4.2 acres of water right(s) 27-12330 has been canceled releasing the right(s) from the Bank as of December 31, 2023.**

The five (5) year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the bank or shall continue to accrue if a period of nonuse occurred prior to the lease date of the right to the bank.

You can reapply to lease the water right(s) in the future by submitting new application form(s) from the Department's website at www.idwr.idaho.gov along with applicable fees.

If you have any questions, please contact me at (208) 287-4936.

Sincerely,

Mary Condon
Water Supply Bank Program Coordinator

c: IDWR Eastern Regional Manager
WD 120 Watermaster
Bingham GWD



IDAHO DEPARTMENT OF
WATER RESOURCES

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

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

Governor Brad Little

Director Mathew Weaver

May 22, 2024

MICHALE D MITCHELL
468 E 700 N
FIRTH, ID 83236-1115

RE: Transfer No. 88989
Water Right No(s). 27-12330

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 BINGHAM NEWS CHRONICLE on 5/29/2024 and 6/5/2024. 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

Henman, Christina

From: Henman, Christina
Sent: Wednesday, May 22, 2024 12:33 PM
To: legalnotices@postregister.com
Subject: Legal Notice for News Chronicle
Attachments: 88989 News Chronicle.docx

LEGAL NOTICE DEPARTMENT
BINGHAM NEWS CHRONICLE
PO BOX 70
BLACKFOOT, ID 83221-0070

RE: Transfer No. 88989
Water Right No(s). 27-12330

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 6/17/2024. 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. 88989**

MICHAEL D MITCHELL, 468 E 700 N, FIRTH, ID 83236-1115 has filed Application No. 88989 for changes to the following water rights within BINGHAM County(s): Right No(s). 27-12330; 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 point of diversion. Proposed point of diversion is in Lot 14 (SWSE) Sec 26 T01S R36E for 0.08 cfs from ground 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 6/17/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 5/29/2024 and 6/5/2024