

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84909**

This is to certify that: CAROL A DOBERSTEIN AND
ROBERT A DOBERSTEIN
854 UPPER RD
WEISER, ID 83672-2622

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>
3-10282	WR/LICENSE	7/29/2016	0.06 cfs	N/A	N/A	2.0	SNAKE RIVER
3-2032	WR/DECREED	12/15/1952	1.82 cfs	N/A	N/A	91.0	SNAKE RIVER
3-2036A	WR/DECREED	3/8/1955	0.135 cfs	N/A	N/A	7.0	SNAKE RIVER
67-15439	WR/LICENSE	7/29/2016	0.06 cfs	N/A	N/A	2.0	GROUND WATER
67-2226	WR/DECREED	12/15/1952	0.70 cfs	361 af	N/A	87.0	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>
3-10282	NO	NO	YES	YES	NO	NO
3-2032	NO	NO	YES	YES	NO	NO
3-2036A	NO	YES	YES	YES	NO	NO
67-15439	NO	YES	NO	NO	NO	NO
67-2226	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>
3-10282	3-10282	0.06 cfs	N/A	2.0	118	N/A	N/A	N/A	N/A	N/A
3-2032	3-2032	1.82 cfs	N/A	91.0	118	N/A	N/A	N/A	N/A	N/A
3-2036A	3-2036A	0.135 cfs	N/A	7.0	118	N/A	N/A	N/A	N/A	N/A
67-15439	67-15439	0.06 cfs	N/A	2.0	96	N/A	N/A	N/A	N/A	N/A
67-2226	67-2226	0.70 cfs	361 af	87.0	96	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.380 cfs	N/A	118.0	118.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 3-2032

Transfer No. 84909

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 84909

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 25th day of August, 2022


SCOTT STORMS, Water Rights Supervisor



WATER RIGHT NO. 3-2032**As Modified by Transfer No. 84909**

In accordance with the approval of Transfer No. 84909, Water Right No. 3-2032 is now described as follows:

Right Holder: ROBERT A DOBERSTEIN AND
CAROL A DOBERSTEIN
854 UPPER RD
WEISER, ID 83672-2622

Priority Date: 12/15/1952

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

03/01

To

to 11/15

Diversion Rate

1.82 cfs

1.82 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER	NENW	Sec 8	Twp 10N Rge 05W WASHINGTON County
SNAKE RIVER	SESW	Sec 8	Twp 10N Rge 05W WASHINGTON County
SNAKE RIVER	L1 (SWSW)	Sec 8	Twp 10N Rge 05W WASHINGTON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	05W	8		0.2	8.0		7		3	38	18	19	23	1.8					118
									L 3			L 2	L 1						

Right Acre Limit: 91

POU Total Acres: 118

CONDITIONS OF APPROVAL

1. Rights 67-02226, 03-02032, and 03-2036A when combined shall not exceed a total diversion rate of 2.32 cfs, and the irrigation of 116.0 acres.
2. This right is limited to the irrigation of 91 acres within the authorized place of use in a single irrigation season.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. T10N, R05W S8 SWSW is unsurveyed, nonfederal land except where noted by GCDB lot number.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 84909

WATER RIGHT NO. 3-2032
As Modified by Transfer No. 84909

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 67-2226**As Modified by Transfer No. 84909**

In accordance with the approval of Transfer No. 84909, Water Right No. 67-2226 is now described as follows:

Right Holder: ROBERT A DOBERSTEIN AND
CAROL A DOBERSTEIN
854 UPPER RD
WEISER, ID 83672-2622

Priority Date: 12/15/1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	0.70 cfs	361 af
			0.70 cfs	361 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESW Sec 8 Twp 10N Rge 05W WASHINGTON 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	
10N	05W	8		0.2	8		7		3	38	18	19	2.8						96
									L 3			L 2	L 1						

Right Acre Limit: 87

POU Total Acres: 96

CONDITIONS OF APPROVAL

1. Rights 67-02226, 03-02032, and 03-2036A when combined shall not exceed a total diversion rate of 2.32 cfs, and the irrigation of 116.0 acres.
2. This right is limited to the irrigation of 87 acres within the authorized place of use in a single irrigation season.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 84909

WATER RIGHT NO. 67-2226
As Modified by Transfer No. 84909

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 3-2036A
As Modified by Transfer No. 84909

In accordance with the approval of Transfer No. 84909, Water Right No. 3-2036A is now described as follows:

Right Holder: ROBERT A DOBERSTEIN AND
CAROL A DOBERSTEIN
854 UPPER RD
WEISER, ID 83672-2622

Priority Date: 3/8/1955

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
IRRIGATION

From 03/01 **To** 11/15

Diversion Rate
0.135 cfs
0.135 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER	NENW	Sec 8	Twp 10N Rge 05W WASHINGTON County
SNAKE RIVER	SESW	Sec 8	Twp 10N Rge 05W WASHINGTON County
SNAKE RIVER	L1 (SWSW)	Sec 8	Twp 10N Rge 05W WASHINGTON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	05W	8		0.2	8		7		3	38	18	19	23	1.8					118
									L 3			L 2	L 1						

Right Acre Limit: 7

POU Total Acres: 118

CONDITIONS OF APPROVAL

1. Rights 67-02226, 03-02032, and 03-2036A when combined shall not exceed a total diversion rate of 2.32 cfs, and the irrigation of 116.0 acres.
2. This right is limited to the irrigation of 7 acres within the authorized place of use in a single irrigation season.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 84909

WATER RIGHT NO. 3-2036A
As Modified by Transfer No. 84909

CONDITIONS OF APPROVAL

5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 3-10282**As Modified by Transfer No. 84909**

In accordance with the approval of Transfer No. 84909, Water Right No. 3-10282 is now described as follows:

Right Holder: ROBERT A DOBERSTEIN AND
CAROL A DOBERSTEIN
854 UPPER RD
WEISER, ID 83672-2622

Priority Date: 7/29/2016

Source: SNAKE RIVER
Source: GROUND WATER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

03/01

To

to 11/15

Diversion Rate

0.06 cfs

0.06 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER	NENW	Sec 8	Twp 10N Rge 05W WASHINGTON County
GROUND WATER	NESW	Sec 8	Twp 10N Rge 05W WASHINGTON County
SNAKE RIVER	SESW	Sec 8	Twp 10N Rge 05W WASHINGTON County
SNAKE RIVER	L1 (SWSW)	Sec 8	Twp 10N Rge 05W WASHINGTON 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	
10N	05W	8		0.2	8		7		3	38	18	19	23	1.8					118
									L 3			L 2	L 1						

Right Acre Limit: 2

POU Total Acres: 118

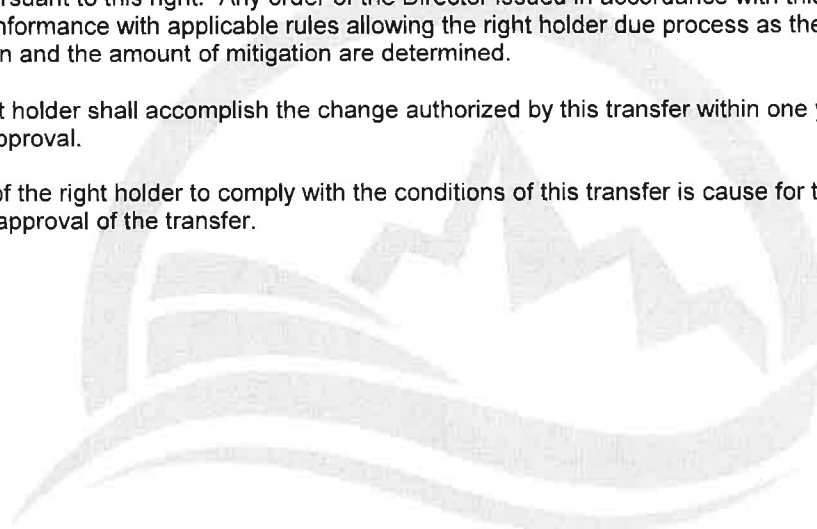
CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. Rights 3-2032, 3-2036A, 3-10282, 67-2226, and 67-15439 when combined shall not exceed a total diversion rate of 2.38 cfs, a total annual maximum diversion volume of 531 af at the field headgate, and the irrigation of 118 acres.
3. Rights 3-10282 and 67-15439 when combined shall not exceed a total diversion rate of 0.06 cfs, and the irrigation of 2 acres.
4. This right is limited to the irrigation of 2 acres within the authorized place of use in a single irrigation season.

Transfer No. 84909

WATER RIGHT NO. 3-10282
As Modified by Transfer No. 84909

CONDITIONS OF APPROVAL

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
 6. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
 7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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WATER RIGHT NO. 67-15439
As Modified by Transfer No. 84909

In accordance with the approval of Transfer No. 84909, Water Right No. 67-15439 is now described as follows:

Right Holder: ROBERT A DOBERSTEIN AND
 CAROL A DOBERSTEIN
 854 UPPER RD
 WEISER, ID 83672-2622

Priority Date: 7/29/2016

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>		<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15		0.06 cfs 0.06 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESW Sec 8 Twp 10N Rge 05W WASHINGTON 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	
10N	05W	8		0.2	8		7		3	38	18	19	2.8						96
									L 3			L 2	L 1						

Right Acre Limit: 2
 POU Total Acres: 96

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. This right is limited to the irrigation of 2 acres within the authorized place of use in a single irrigation season.
3. Rights 67-2226 and 67-15439 when combined shall not exceed a total diversion rate of 0.70 cfs and the irrigation of 89 acres.
4. Rights 3-10282 and 67-15439 when combined shall not exceed a total diversion rate of 0.06 cfs and the irrigation of 2 acres.
5. Rights 3-2036A, 3-2032, 3-10282, 67-2226 and 67-15439 when combined shall not exceed a total diversion rate of 2.38 cfs, and the irrigation of 118 acres.

Transfer No. 84909

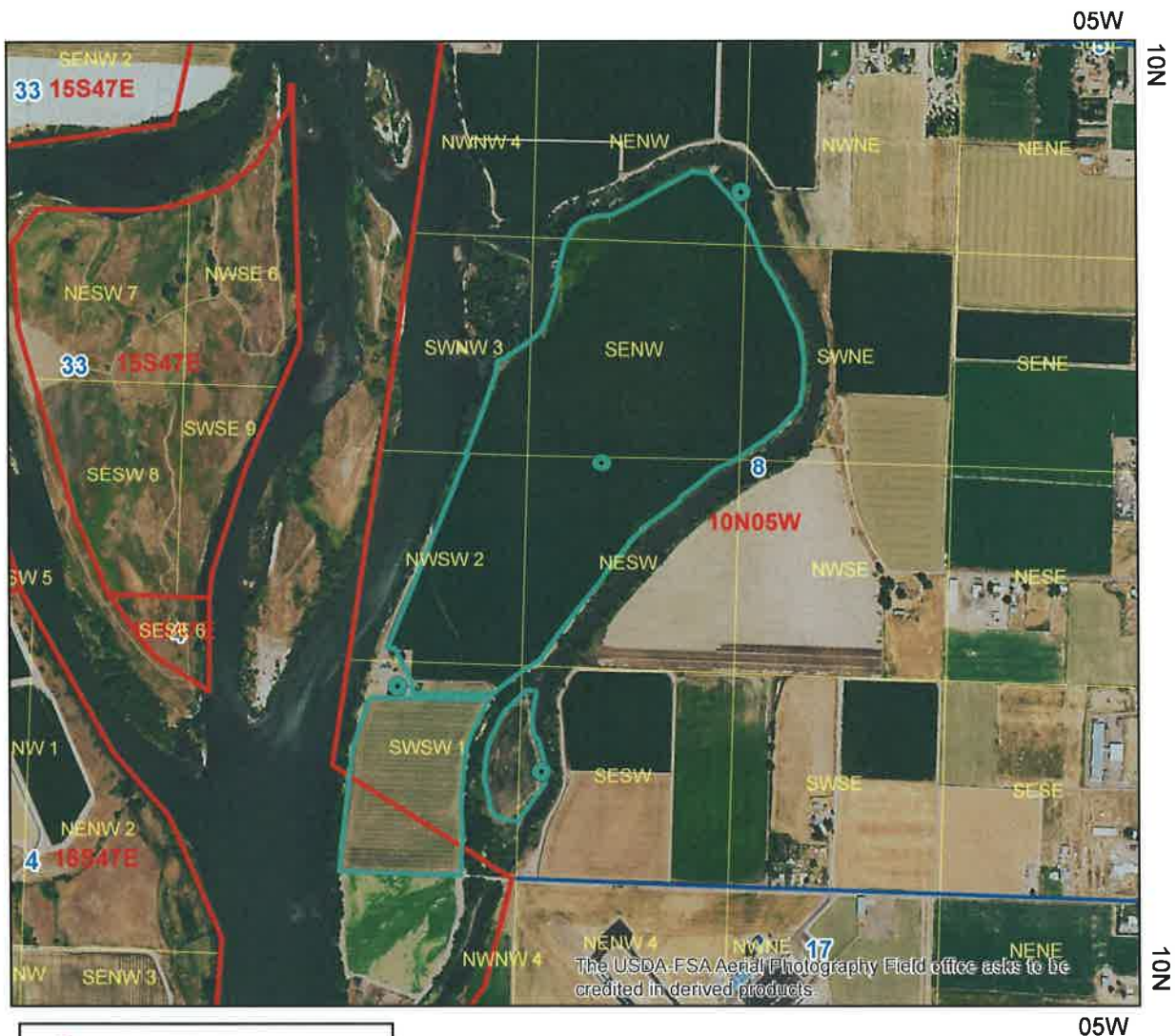
WATER RIGHT NO. 67-15439
As Modified by Transfer No. 84909

CONDITIONS OF APPROVAL

6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
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.

State of Idaho
Department of Water Resources
Attachment to Transfer No. 84909
Water Rights: 3-2032, 3-2036a, 3-10282, and 67-2226

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



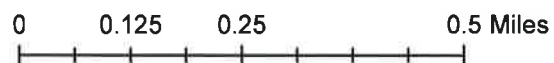
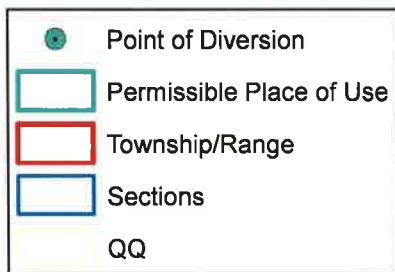
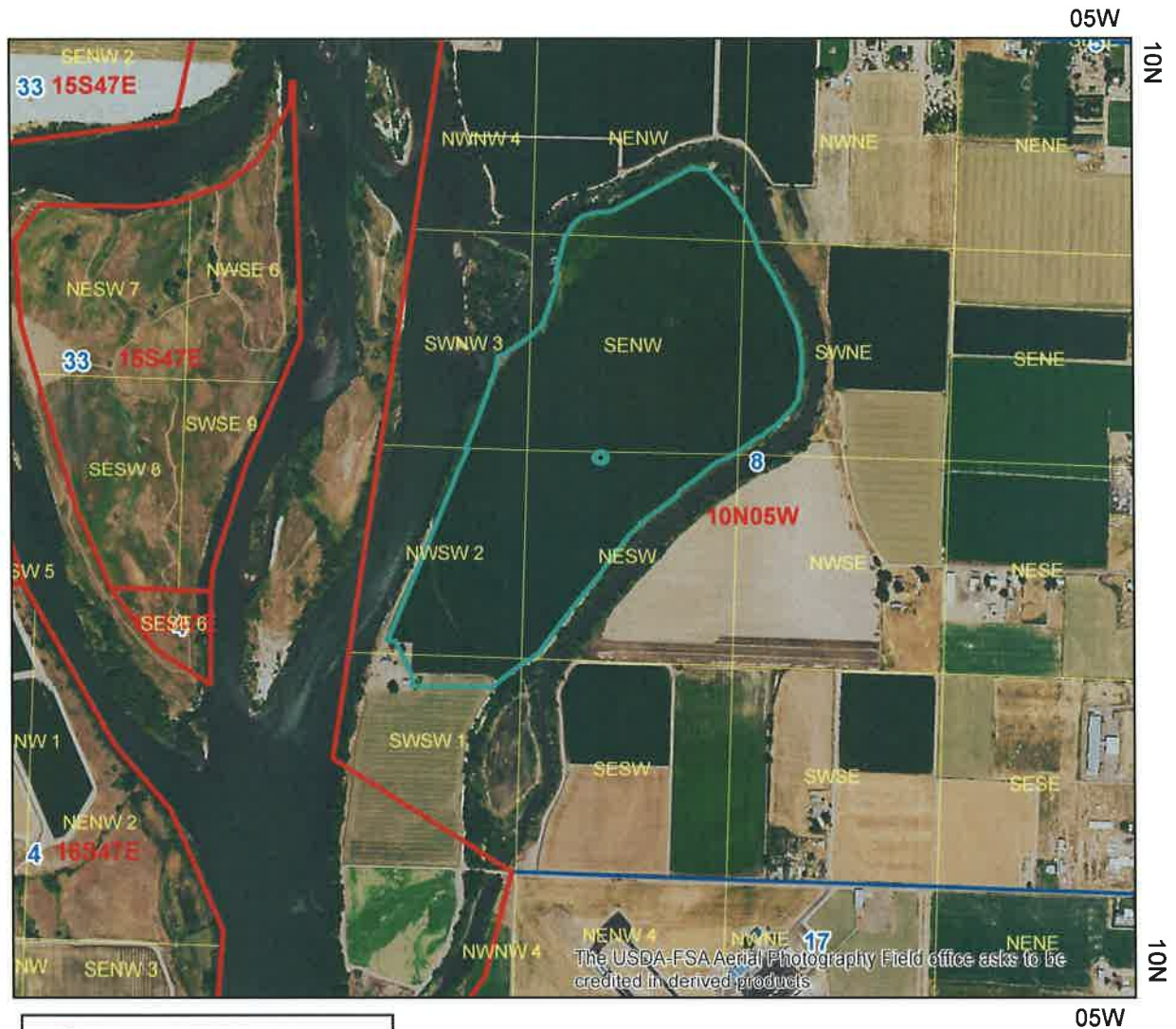
- Point of Diversion
- Permissible Place of Use
- Township/Range
- Sections
- QQ

A horizontal number line representing distance in miles. The line starts at 0 on the left and ends at 0.5 Miles on the right. There are major tick marks labeled 0, 0.125, 0.25, and 0.5 Miles. Between each of these major tick marks, there are three smaller, unlabeled tick marks, dividing each 0.125-mile segment into four equal parts of 0.03125 miles each.



State of Idaho
Department of Water Resources
Attachment to Transfer No. 84909
Water Rights: 3-10282, and 67-2226

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





IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 25, 2022

ROBERT A DOBERSTEIN
CAROL A DOBERSTEIN
854 UPPER RD
WEISER ID 83672-2622

Re: Transfer No: 84909
Water Right No(s): 3-2032, 3-2036A , 3-10282, 67-2226, 67-15439
Transfer Approval Notice

Dear Water Right Holder <and other Interested Persons>:

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.

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) 334-2190.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Scott Storms', with a stylized, flowing script.

Scott Storms
Water Rights Supervisor

Enclosure

CC:

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2022 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.: 84909

Water Right No(s): 3-2032, 3-2036A , 3-10282, 67-2226, 67-15439

**ROBERT A DOBERSTEIN
854 UPPER RD
WEISER ID 83672-2622**

**CAROL A DOBERSTEIN
854 UPPER RD
WEISER ID 83672-2622**



**Scott Storms
Water Rights Supervisor**

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

TO: Transfer No. 84909
FROM: Allen Bradbury
DATE: 7/25/2022
RE: Evaluation of Application

Transfer application 84909 proposes to comingle three surface water rights from the Snake River and a ground water right into an integrated sprinkler irrigation system for water rights 3-2032, 3-2036a, 3-10282, and 67-2226. Currently, the acres north of the ranch driveway are irrigated by 3 pivots sprinklers while the acres south of the driveway are irrigated by separate gravity systems.

The applicant proposes to add one new point of diversion (POD) on the small island located within the Snake River side channel of Long Island. The new POD would furnish water to a proposed fourth pivot on the small island. The PODs for the farmhouse pump (3-2032), slough pump (3-2036a and 3-10282), and small island pump (new POD) will be added to one another to create a 118-acre surface water permissible place of use (PPU) from the Snake River. While the overlapping groundwater rights from the well (67-2226 and 3-10282), will create a 96-acre groundwater PPU. Also, the POD for 3-2036a will be changed to reflect the actual slough pump location. In conjunction with this transfer, the applicant filed applications for permit to cover additional areas not previously covered by the other water rights.

The Doberstein property is located on Long Island, an island on the Snake River. The place of use is approximately 2.0 miles south of Weiser, Idaho in Washington County near the intersection of Scheloske Lane and Airport Road.

Summary of Information Submitted

Authority to File: The application was filed in the names of Robert and Carol Doberstein residing at 854 Upper Road, Weiser, ID 83672. The applicants are listed as the current water right holders of record for each of the water rights involved in this application. Tax parcel information obtained by the Department and dated 10/14/2020 show the property owned by Robert A. Doberstein. The applicant owns all property associated with the points of diversion and the places of use in this application.

Water Right Validity/Historical Beneficial Use: Water rights 3-2032, 3-2036a, and 67-2226 are decreed rights, decreed 7/9/2007, 7/9/2007, and 10/20/2008 respectively. Water right 3-10282 is a license issued 3/5/2021. The place of use for these rights covers approximately 118 acres. Beneficial use within the previous, consecutive, five-year period was confirmed via aerial photography, and GIS ArcMap tools therefore a defense of forfeiture is not needed. Also, a beneficial use field exam conducted in 2020 for water right 3-10282 confirmed beneficial use was occurring across the entire 118 acres.

Injury to Other Water Rights: Injury to other water rights is not likely as a result of this transfer. The application does not intend to increase the number of acres irrigated or the amount of water to be diverted. The applicants intend to create diversion flexibility for their water rights by establishing a PPU in order to irrigate the entire property from both POD's and adding a separate POD for the small new pivot. The amount of water available to other water rights is not expected to be reduced as a result of the additional POD being added to this right. No protests were received during advertising.

Enlargement of Use: According to the 2020 field exam for water right 3-10282, the diversion capacity of the Slough pump was enlarged. In conjunction with this transfer, the applicant filed applications for permit 3-10286 (Snake River) and 67-15415 (groundwater) to cover additional areas not previously covered by the other water rights. With the additional permits the combined use limits will prevent enlargement of rates or acres.

Local Public Interest: There are no anticipated impacts to recreation, fish, or wildlife as a result of this transfer. There is no indication that any applicable water or hazardous substance standards designed to protect water resources would be violated. This transfer is compatible with the objectives and policies of the State Water Plan. It is within the local public interest to allow private properties to develop their property and use their water rights to the fullest extent which in turn benefits the public at large. None of the available information suggests a conflict with the local public interest.

Beneficial Use/Conservation of Water Resources: No issues were identified. The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Overlap Analysis: The current irrigation system consists of two surface water pumps from the Snake River and a groundwater pump. Water right #67-2226 (well) provides irrigation of 87 acres via ground water to most of the northern portion of the island. The water right has a diversion rate of 0.70 cfs and a volume limit of 361 ac-ft/yr. When combined with water rights 67-02226, 03-02032, and 03-2036A, the combined use limit is 2.32 cfs on 116 acres. The rate/acre of this decreed right is only 0.008 cfs per acre.

Water right 3-10282 (Slough Pump and well) has two POD's from separate sources, one from surface water and the other from groundwater to irrigate a 2-acre piece on the northwest corner of the island. These acres do not overlap with any other POU. The water right has a rate of 0.06 cfs with combined limits of 2.38 cfs, 531 af on 118 acres when combined with water rights 3-2036A, 3-2032, 3-10282, and 67-2226. At licensing this right was given a rate/acre of 0.03 cfs per acre.

3-2036A (Slough Pump) provides irrigation water out of the slough to 7 acres at the top of the island. The POD is located on a slough of the Snake River at the northeastern edge of the island. The water right has a rate of 0.135 cfs on 7 acres with no volume limits. When combined with water rights 67-02226, 03-02032, and 03-2036A, the combined use limit is 2.32 cfs on 116 acres. The rate/acre of this decreed right is 0.019 cfs per acre.

3-2032 (Farmhouse pump), provides irrigation water to a pressurized irrigation system which is attached to the Slough pump and the well, additionally it provides water to the 18-acre field to the south of the farmhouse that is irrigated by gated pipe. The water right has a rate of 1.82 cfs on 91 acres with no volume limit but when combined with water rights 67-02226, 03-02032, and 03-2036A, the combined use limit is 2.32 cfs on 116 acres. The rate/acre of this decreed right is 0.02 cfs per acre. About 6.5 acres of this right is in T10N, R05W S8 SWSW, which is unsurveyed, nonfederal land.

Transfer Water Rights						Combined Use Limits			
Source	WR#	cfs	acres	Rate/ acre	volume	cfs	acres	volume	Rights
Snake R.	3-2032	1.82	91.0	0.020		2.32	116		67-2226; 3-2032; 3-2036A
Snake R.	3-2036A	0.135	7.0	0.019		2.32	116		67-2226; 3-2032; 3-2036A
GW & SW	3-10282	0.06	2.0	0.030		2.38	118	531	3-2032;3-2036A;3-10282;67-2226
Ground Water	67-2226	0.70	87.0	0.008	361	2.32	116		67-2226; 3-2032; 3-2036A

Discussion

Spoke with Mr. Doberstein on 9/17/2021 concerning permit application 67-15415. This permit application was filed simultaneously with this transfer #84909. The application covers a 7-acre piece of land not previously covered by the groundwater right. However, the existing groundwater right 67-2226 is only allowed a rate of 0.008 cfs/acre. I discussed this with Mr. Doberstein and he okay with bringing rate for this permit down to move forward. He is mainly interested in preserving a ground waterer right on the 96 acres.

Water right 3-10282 (Slough Pump and well) was split to clearly delineate the sources between surface water and ground water. The parent surface water right retains the Basin 3 designation of 3-10282, while the new child groundwater right is appropriately designated as part of Basin 67 with the number 67-15439.

Summary

For allowable acres see spreadsheet titled 84909 Doberstein POU Analysis and attached memo. For rate analysis see spreadsheet titled Doberstein Transfer and Permit Rate per Acre Analysis. Also, see attached maps.

Conditions

-The following condition was added to rights 3-2032, 3-2036A, and 67-2226 in order to reflect the results of this transfer.

Condition X35 which states that "Rights 3-2032, 3-2036A, and 67-2226 when combined shall not exceed a total diversion rate of 2.32 cfs, and the irrigation of 116.0 acres."

Also added conditions T07, T08, and replace C18 with T19 to each right as per department standards.

Removed conditions E52 and E56 from rights 3-2032, 3-2036a, 3-10282, and 67-2226 which are adjudication conditions and do not reflect the results of this transfer.

Removed condition C05 as per department standards.

Added Condition X27 to 3-2032 to reflect limit of 91 acres, to 67-2226 to reflect limit of 87 acres, to 3-2036A to reflect limit of 7 acres, and 3-10282 to reflect limit of 2 acres.

Added 01M concerning measuring devices to each right.

Added R65 combined limits condition for 0.02 cfs per acre and 4.5 afa per acre at the field headgate.

Other conditions not added or removed were considered relevant to the transfer and individual water rights and were retained.

Assuming no other information contradicts the above analysis, the application can be approved as reflected by the draft approval.

MEMORANDUM

Date: January 31, 2022
To: Transfer 84909
From: Allen Bradbury
Re: Comment/Analysis

Comment/Analysis
1/31/2022

IDAPA Water Appropriation Rule 35.04.a concerning amendments states: "Applications for permit shall be amended whenever significant changes to the place, period or nature of the intended use, method or location of diversion or proposed use or uses of the water or other substantial changes from that shown on the pending application are intended."

The applicant provided a detailed description of the system with transfer application 84909. It is clear from this description that the applicant proposes to comingle three surface water rights from the Snake River and a ground water right into an integrated sprinkler irrigation system for water rights 3-2032, 3-2036a, 3-10282, and 67-2226. Currently, the acres north of the ranch driveway are irrigated by 3 pivot sprinklers while the acres south of the driveway are irrigated by separate gravity systems. The overlapping groundwater rights from the well (67-2226 and 3-10282), will create a 96-acre groundwater PPU. The overlapping surface water rights 3-2036A, 3-2032, and 3-10282 will create a 118-acre surface water PPU. The two applications for permit are intended to cover additional areas not previously covered by other water rights.

There are slight differences in the acres described on the applications and the acres described by the decreed rights. Allowable acres were determined from the decreed and licensed water rights. In comparison, number of acres were measured in each quarter-quarter using ESRI ArcMap software to compare actual irrigated acres with acres described in the applications. Minor adjustments to the acres within quarter-quarters were made to meet measured acres and allowable acres. These adjustments only moved acres within the applied for PPU. Even with these adjustments, the PPU remains the same for surface water at 118 acres. These changes were not deemed significant enough to require an amendment since it is clear that the applicant is trying to cover existing irrigated acres and comply with findings from the licensing process for 3-10282.

DOBERSTEIN Transfer and Permit Rate per Acre Analysis

- as applied for in transfer and new permits

		cfs	af	ac	cfs/ac	Notes
Group 1 Surface Water	3-2036A	0.135		7.0	0.019	SR-SP
	3-2032	1.82		91.0	0.020	SR-FP
	3-10282	0.06		2.0	0.030	SR-SP/GW
	sum	2.02		100.00	0.020	Snake R.
SR Permit	3-10286	0.34		18.0	0.019	SR-SP
		2.36		118.00	0.020	

		cfs	af	ac	cfs/ac	
Group 2 Ground Water	3-10282	0.06		2.0	0.030	SR-SP/GW
	67-2226	0.70	361	87.0	0.008	GW
GW Permit	67-15415	0.14		7.0	0.020	GW
		0.75		96.00	0.008	

Notes: Groundwater acres stay at 0.008 cfs/ac,
since the 20 ft deep well cannot produce any more.

84909 Doberstein Transfer- Acre Analysis

Updated: 12.09.2021

PPU Acres for Surface Water included on New Permits

Source: Snake R.

	NE				NW				SW				SE				Acres
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Application Acres		1.0	8.0		7.0		3.0	38.0	18.0	19.0	23.0	1.0					118.0
Total Acres Allowed		0.2	8.0		6.8		4.0	38.0	18.0	18.0	23.0	2.0					118.0 SW-PPU
SW Acres Allowed		0.2	2.0		6.8		4.0	26.0	18.0	18.0	23.0	2.0					100.0
SW Acres Needed			6		0.2			12		1		-1.2					18.0
Applic. Acres Needed		0.2	8		7		3	38	18	19	23	1.8					118.0

Total Acres Measured 0.2 8.0 7.1 4.0 38.0 18.0 19.0 23.0 1.8 119.1

Applicant is attempting to shift acres to other QQ's to account for increased acres in NWSW from 18 ac to 19 ac and SWNW from 6.8 ac to 7 ac to reflect actual irrigation. Should apply for 1.8 acres in SESW to accomplish full 118 ac surface water PPU due to reduction in acres to allowable limits based on total measured acres within QQ.

PPU Acres for Groundwater included on New Permits

Source: Groundwater

	NE				NW				SW				SE				Acres
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Application Acres		1.0	8.0		7.0		3.0	38.0	18.0	19.0	2.0						96.0
Total Acres Allowed		0.2	8.0		6.8		4.0	38.0	18.0	18.0	3.0						96.0 GW-PPU
GW Acres Allowed		0.2	8.0		6.8		1.0	38.0	17.0	18.0	0.0						89.0
GW Acres Needed					0.2		2		1	1	2.8						7.0
Applic. Acres Needed		0.2	8		7		3	38	18	19	2.8						96

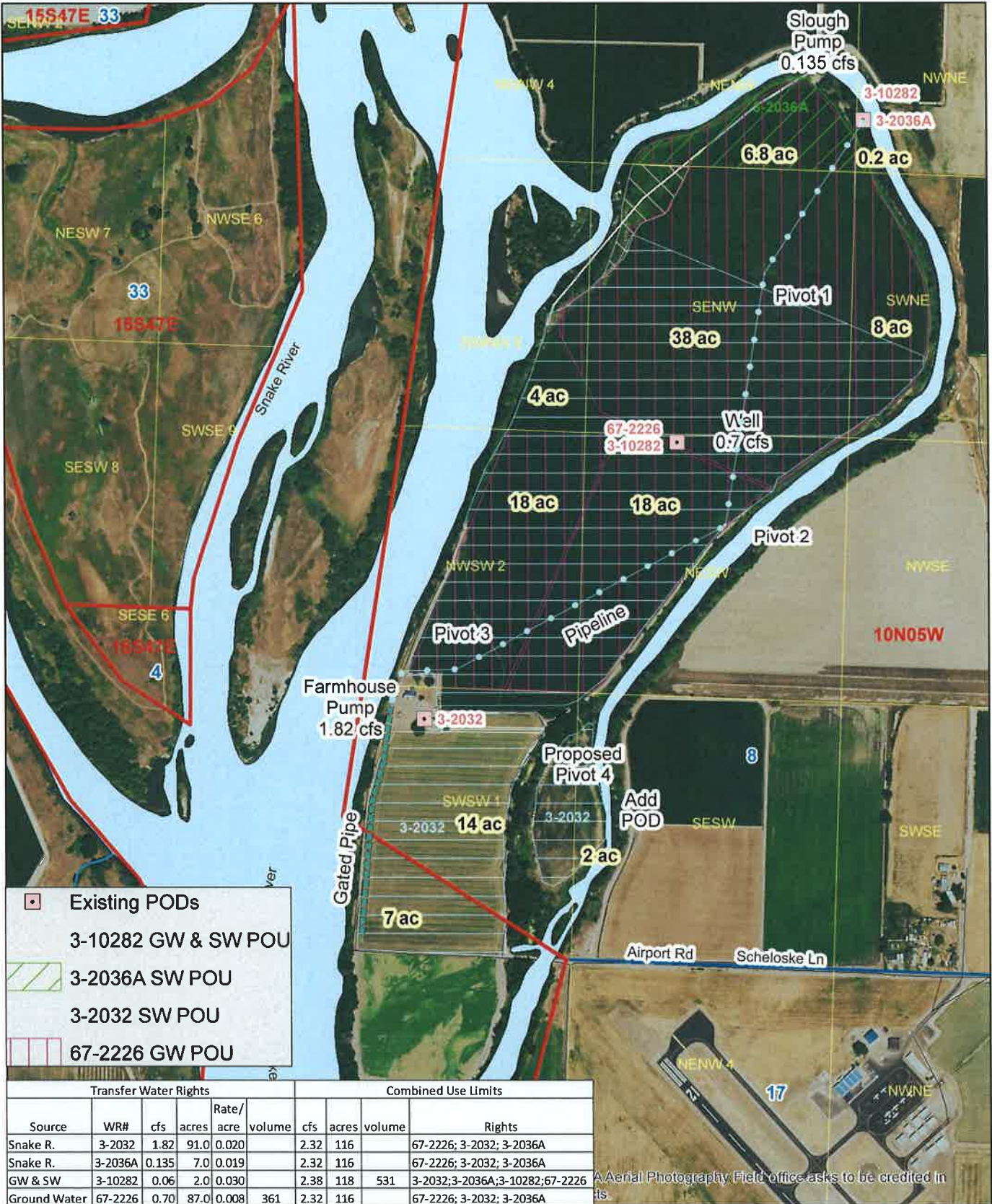
Total Acres Measured 0.2 8.0 7.1 4.0 38.0 18.0 19.0 23.0 1.8 119.1

Over allowed
Under allowed

Applicant is attempting to shift acres to other QQ's to account for increased acres in NWSW from 18 ac to 19 ac and SWNW from 6.8 ac to 7 ac to reflect actual irrigation. Should apply for 2.8 acres in SWSW Lt 1 to accomplish 96 ac groundwater PPU due to reduction in acres to allowable limits based on total measured acres within QQ.

Transfer 84909 - Doberstein - Be.ore

(3-2036A, 3-2032, & 3-10282 - Surface Water Rights) (Overlapping Groundwater 67-2226, 3-10282)

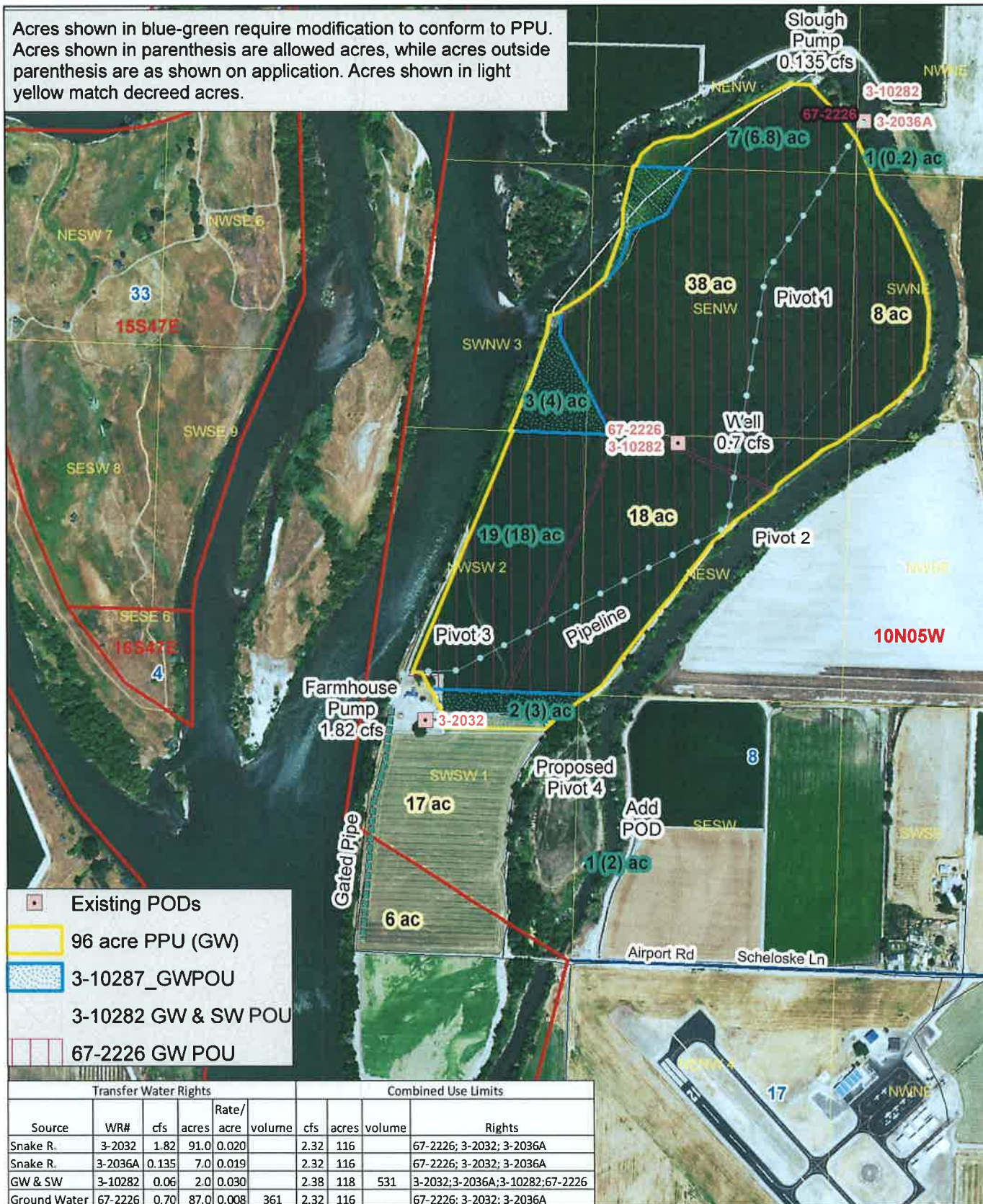


0 0.25 0.5 Miles

Transfer 84909 - Doberstein- 96 ac GW PPU with New Permits Added

(3-2036A, 3-2032, & 3-10282 - Surface Water Rights) (Overlapping Groundwater 67-2226, 3-10282)

Acres shown in blue-green require modification to conform to PPU. Acres shown in parenthesis are allowed acres, while acres outside parenthesis are as shown on application. Acres shown in light yellow match decreed acres.



0 0.25 0.5 Miles

Transfer 84909 - Doberstein- 118 ac SW PPU with New Permits Added (3-2036A, 3-2032, & 3-10282 - Surface Water Rights) (Overlapping Groundwater 67-2226, 3-10282)

Acres shown in blue-green require modification to conform to PPU. Acres shown in parenthesis are allowed acres, while acres outside parenthesis are as shown on application. Acres shown in light yellow match decreed acres.



AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO)
County of Washington) ss.

JUN 04 2021

Sarah Boles

WATER RESOURCES
WESTERN REGION
being duly sworn,

deposes and says:

That she is the Clerk of
THE WEISER SIGNAL AMERICAN, a weekly newspaper
published at Weiser, in the County of Washington and State of
Idaho; that said paper has been and is in general circulation in
the county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was published in

said newspaper once a week for two consecutive weeks in
the regular and entire issue of said paper during the period and
time of publication, and was published in the newspaper proper
and not in a supplement; that said paper has been established
and regularly published for more than seventy-eight consecutive
weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

May 5, 2021

and ending

with the issue of

May 12, 2021

Sarah Boles

Fees, \$ 268.25

Subscribed and sworn to before me this

12

date of

May 2021

Judith Parsons

Notary Public, residing at Weiser, Idaho.

My commission expires

2-12-26

JUDITH PARSONS
COMMISSION NO. 15747
NOTARY PUBLIC
STATE OF IDAHO

The following application(s) have been filed to appropriate
the public waters of the State of Idaho:

3-10286

ROBERT A DOBERSTEIN

CAROL A DOBERSTEIN

854 UPPER RD

WEISER, ID 83672-2622

Point of Diversion NWNE S8 T10N R05W WASHINGTON
County Source SNAKE RIVER Tributary COLUMBIA RIV-
ERPoint of Diversion L1 (SWSW) S8 T10N R05W WASHING-
TON County Source SNAKE RIVER Tributary COLUMBIA
RIVERPoint of Diversion SESW S8 T10N R05W WASHINGTON
County Source SNAKE RIVER Tributary COLUMBIA RIV-
ER

Use: IRRIGATION 03/01 to 11/15 0.34 CFS

Total Diversion: 0.34 CFS

Date Filed: 04-26-2021

Place Of Use: IRRIGATION

T10N R05W S8 NENW, NESW, NWNE, L2 (NWSW),
SWNE, L3 (SWNW), L1 (SWSW), SENW, SESW

Total Acres: 118

3-10287

ROBERT A DOBERSTEIN

CAROL A DOBERSTEIN

854 UPPER RD

WEISER, ID 83672-2622

Point of Diversion NESW S8 T10N R05W WASHINGTON
County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.14 CFS

Total Diversion: 0.14 CFS

Date Filed: 04-26-2021

Place Of Use: IRRIGATION

T10N R05W S8 NENW, NESW, NWNE, L2 (NWSW),
SWNE, L3 (SWNW), L1 (SWSW), SENW

Total Acres: 96

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84909

ROBERT A DOBERSTEIN and CAROL A DOBERSTEIN,
854 UPPER RD, WEISER, ID 83672-2622 has filed Applica-
tion No. 84909 for changes to the following water rights with-
in WASHINGTON County(s): Right No(s). 3-10282, 3-2032,
3-2036A, 67-2226; 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:
This transfer proposes to add a point of diversion for water
right 3-2032 located within the Snake River side channel
of Long Island. Also, the transfer will change the points of
diversion for water rights 3-2032 and 3-2036a and combine
water rights 3-2032, 3-2036a, 3-10282, and 67-2226 into 118
acre permissible place. Water will be used at the current place
of use approximately 2.0 miles south of Weiser, Idaho in
Washington County near the intersection of Scheloske Lane
and Airport Road.

Permits will be subject to all prior water rights. For addi-
tional information concerning the property location, contact
the Western office at (208)334-2190; or for a full description
of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/>. Protests may be submitted
based on the criteria of Idaho Code § 42-203A. Any protest
against the approval of this application must be filed with the
Director, Dept. of Water Resources, Western Region, 2735 W
AIRPORT WAY, BOISE ID 83705-5082 together with a pro-
test fee of \$25.00 for each application on or before 5/24/2021.
The protestant must also send a copy of the protest to the
applicant.

GARY SPACKMAN, Director

Published on 5/5/2021 and 5/12/2021

18-2S