

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85161**

This is to certify that: **BILL R OWENS**
883 SW 2ND ST
ONTARIO, OR 97914-3521
AND
JEANNE VANDERPOOL
PO BOX 204
POLLOCK, ID 83549-0204

AMENDED

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>
78-10093	WR/DECREED	11/20/1961	0.020 cfs	N/A	N/A	N/A	DENNY CREEK

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>
78-10093	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>
78-10093	78-10093	0.020 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.020 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

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 26th day of August, 2022


SCOTT STORMS, Water Rights Supervisor

WATER RIGHT NO. 78-10093
As Modified by Transfer No. 85161

In accordance with the approval of Transfer No. 85161, Water Right No. 78-10093 is now described as follows:

Right Holder: BILL R OWENS
 883 SW 2ND ST
 ONTARIO, OR 97914-3521
 AND
 JEANNE VANDERPOOL
 PO BOX 204
 POLLOCK, ID 83549-0204

AMENDED

Priority Date: 11/20/1961

Source: DENNY CREEK

Tributary: LITTLE SALMON RIVER

BENEFICIAL USE
 STOCKWATER

From
 3/15

To
 to 9/30

Diversion Rate
 0.020 cfs
 0.020 cfs

LOCATION OF POINT(S) OF DIVERSION

DENNY CREEK SWNE Sec 29 Twp 23N Rge 01E IDAHO County

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	01E	29		X	X														

CONDITIONS OF APPROVAL

1. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. DIVERSION OF WATER FROM DENNY CREEK IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THIS RIGHT AND PRIORITY FROM THE ORIGINAL SPRING SOURCE.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 85161

AMENDED

WATER RIGHT NO. 78-10093

As Modified by Transfer No. 85161

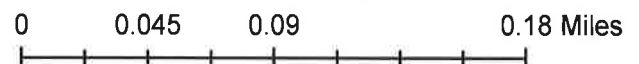
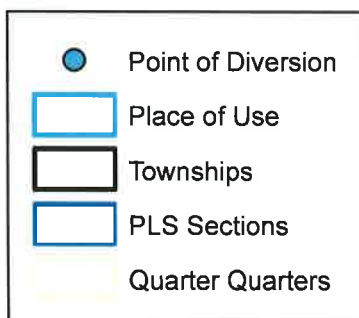
CONDITIONS OF APPROVAL

6. 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.



State of Idaho
Department of Water Resources
Attachment to Transfer No. 85161
Water Rights: 78-10093

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



**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85161**

This is to certify that: **BILL R OWENS**
883 SW 2ND ST
ONTARIO, OR 97914-3521
AND
JEANNE VANDERPOOL
PO BOX 204
POLLOCK, ID 83549-0204

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>
78-10093	WR/DECREED	11/20/1961	0.020 cfs	N/A	N/A	N/A	DENNY CREEK

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>
78-10093	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>
78-10093	78-10093	0.020 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.020 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

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 16th day of August, 2022.


SCOTT STORMS, Water Rights Supervisor

Transfer No. 85161

WATER RIGHT NO. 78-10093
As Modified by Transfer No. 85161

In accordance with the approval of Transfer No. 85161, Water Right No. 78-10093 is now described as follows:

Right Holder: WILLIAM J OWENS
 883 SW 2ND ST
 ONTARIO, OR 97914-3521
 AND
 JEANNE VANDERPOOL
 PO BOX 204
 POLLOCK, ID 83549-0204

Priority Date: 11/20/1961

Source: DENNY CREEK

Tributary: LITTLE SALMON RIVER

BENEFICIAL USE
 STOCKWATER

From
 3/15

To
 to 9/30

Diversion Rate
 0.020 cfs
 0.020 cfs

LOCATION OF POINT(S) OF DIVERSION

DENNY CREEK SWNE Sec 29 Twp 23N Rge 01E IDAHO County

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	01E	29		X	X														

CONDITIONS OF APPROVAL

1. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. DIVERSION OF WATER FROM DENNY CREEK IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THIS RIGHT AND PRIORITY FROM THE ORIGINAL SPRING SOURCE.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 85161

WATER RIGHT NO. 78-10093
As Modified by Transfer No. 85161

CONDITIONS OF APPROVAL

6. 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.



State of Idaho
Department of Water Resources
Attachment to Transfer No. 85161
Water Rights: 78-10093

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



- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters

0 0.045 0.09 0.18 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 10 2022
AMENDED
WATER RESOURCES
WESTERN REGION

AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Bill R. Owens and Jeanne Vanderpool Phone _____
Mailing address _____ 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 Albert P. Barker Phone (208) 336-0700
Mailing address P.O. Box 2139, Boise, ID 83701 Email apb@idahowaters.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.

Bill R. Owens
Signature of Applicant or Authorized Representative

Jeanne Vanderpool
Signature of Applicant or Authorized Representative

Bill R. Owens
Print Name and Title if applicable

Jeanne Vanderpool
Print Name and Title if applicable

Feb 10 2022
Date

2-10-22
Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part1A.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**.
This transfer is intended to capture the fact that the property where the stockwater is to be used includes land in the
NWNE, Section 29, T23N, R01E.

RECEIVED

Rev. 07/18

MAY 13 2022

CORRECTION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER RESOURCES
WESTERN REGION

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 ☒ ☐	78-10093	0.02	stockwater	3/15 to 9/30	Denny Creek/Little Salmon
☐ ☐				to	River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

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

2. Total amount of water proposed to be transferred or changed 0.02 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	01E	29		X	X														
Total Acres (for irrigation use)																			

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						
☒	☐	78-10093	0.02	stockwater	3/15 to 9/30	Denny Creek/Little Salmon
☐	☐				to	River
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

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

2. Total amount of water proposed to be transferred or changed 0.02 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	01E	29		X															
Total Acres (for irrigation use)																			

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:

stockwater from Denny Creek

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

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

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

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

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

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

If yes, ☐ complete Attachment WSB.

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

N/A

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

N/A

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

Yes No

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

If yes, describe:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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

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

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

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

B. CHANGES IN NATURE OF USE (Water Balance)

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

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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

This image shows a 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 or a sheet of stationery.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid _____ Date _____ Received by _____ Receipt # _____

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)

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.

Name of Applicant(s) Bill R. Owens and Jeanne Vanderpool

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

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

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

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

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #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: _____

SECOND AMENDMENT TO PARTITION AGREEMENT

WHEREAS, Bill R. Owens, Cynthia M. Vincent (Owens), Jeanne I. Vanderpool (Vanderpool) and Gracie H. Barron (Barron) entered into a Partition Agreement dated August 12, 2020 to divide an original parcel located in Idaho County, Idaho described on Exhibit 1 to that Partition Agreement into three (3) sub parcels as shown on Exhibit 2 of the Partition Agreement.

WHEREAS, Section 1.4 of the Partition Agreement contemplated that two (2) water rights appurtenant to the property, Water Rights No. 78-4027 and 78-10093 (the Permitted Water Rights), would be divided one-third each among the three parties; Owens, Vanderpool and Barron.

WHEREAS, the Parties requested that the Idaho Department of Water Resources divide the two water rights equally between the three parties on the three sub-parcels in accordance with the Partition Agreement. However, the Idaho Department of Water Resources indicated in a letter dated February 25, 2021, that the Department would not permit splitting the domestic uses on the water rights, Nos. 78-4027 and 78-10093;

WHEREAS, in further communications with the Idaho Department of Water Resources, the Department raised two issues: (1) whether the statutory claim 78-4027 had been subsumed into the decreed right 78-10093, and (2) the location of the Vanderpool property should be described in NWNE of Section 29, T23N R01E.

WHEREAS, the Parties wish to carry out the original intent of the Partition Agreement to the fullest extent possible, given the guidelines of the Idaho Department of Water Resources as indicated in its letter February 25, 2021.

NOW THEREFORE, the Parties hereto agree to further amend the Partition Agreement, specifically Article 1.4, by eliminating the amended Article 1.4 and replacing it with the following second amendment to Article 1.4:

1.4 Division of Permitted Water Rights:

The Parties agree that Idaho Water Rights No. 78-4027 and 78-10093 contain the following terms and conditions. Water Right 78-4027 is a domestic water right authorizing diversion of 0.01 cfs for domestic use. Water Right 78-4027 is a statutory claim that has not been decreed. The Idaho Department of Water Resources is uncertain of Water Right 78-4027 still valid after Water Right 78-10093 was decreed. The Parties wish to maintain Water Right 78-4027 to the extent it is valid. Water Right 78-10093 authorized both domestic and stock water uses with a diversion rate of 0.06 cfs; 0.04 cfs for domestic use and 0.02 cfs for stock water use. Both Water Rights were appurtenant to the entire original parcel. In order to comply with the directions of the Idaho Department of Water Resources, the Parties hereby agree that Water Right No. 78-4027 shall be transferred to the ownership of Barron; that the domestic portion of Water Right No. 78-10093 shall be transferred to the ownership of Barron, and the stock water portion of

Water Right No. 78-10093 shall be transferred to the ownership of Vanderpool and Owens. Each of these water rights shall be appurtenant to the respective sub-parcels owned by the Parties. Accordingly, Owens and Vanderpool quit claim, assign and convey to Barron, as her sole and separate property, Water Right No. 78-4027 to be appurtenant to the Barron property. Barron and Owens hereby quit claim, assign and convey to Barron as her sole and separate property, the domestic portion of Water Right No. 78-10093. Barron hereby quit claims, assigns and conveys to Bill R. Owens, a married man, as his sole and separate property, and Vanderpool, jointly the stock water portion of Water Right No. 78-10093. The Parties hereto further recognize that the Department of Water Resources has requested that the Parties file a change of Place of Use of the Water Right No. 78-10093, because a portion of the actual place of use of the original parcel is outside the Place of Use of record. After this transfer the stock water right shall be appurtenant to the sub-parcels of property held by Owens and Vanderpool in the NWNE, Section 29, T23N R1E, and the SWNE, Section 29, T23N R1E.

Nothing in this Amendment to the Partition Agreement changes any provision of the Partition Agreement, specifically including the well sharing provisions in Article 3, or changes the Parties' rights to use Hat Creek Water supplied by Hat Creek Water Users pursuant to the Idaho Water Right No. 78-260A, or the right to use the irrigation easement described on Section 2.4 of the Partition agreement. The Hat Creek water rights shall continue to be shared by the Parties.

The Parties recognize that the well drilled under Drilling Permit No. 78-89-2-01, approved February 2, 1989, represents a well for domestic uses under Idaho Code § 42-111, exempt from permitting under Idaho Code § 42-227. Should Idaho law change or should the Parties mutually agree, the Parties may in the future seek a permit for this domestic well.

//Notary Pages to Follow//

Signatures:

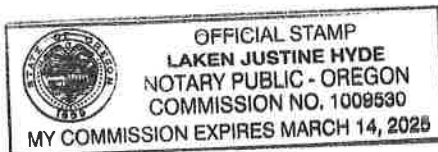
Bill R. Owens
BILL OWENS

Cynthia Vincent
CYNTHIA VINCENT

STATE OF Oregon
~~IDAHO~~)
) ss.
County of Malheur

On this 9 day of February 2022, before me, the undersigned, personally appeared BILL OWENS and CYNTHIA VINCENT, husband and wife, known or identified to me to be the persons whose names are subscribed to within this instrument, and acknowledged to me that they executed the same.

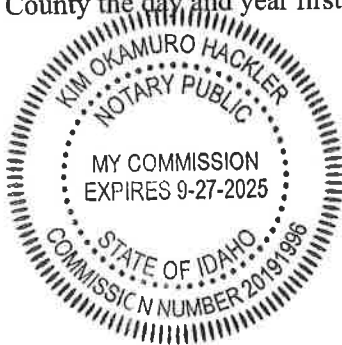
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the said County the day and year first above written.



L. Hyde
NOTARY PUBLIC FOR ~~IDAHO~~ Oregon
Residing at: Malheur
Comm. Expires: March 14, 2025

STATE OF IDAHO)
) ss.
County of Idaho)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the said County the day and year first above written.



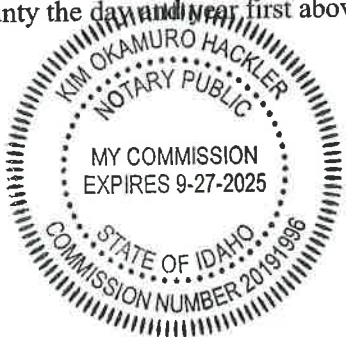
Second Amendment to Partition Agreement page 4

Jeanne Vanderpool
JEANNE VANDERPOOL

STATE OF IDAHO)
) ss.
County of Idaho)

On this 11th day of February 2022, before me, the undersigned, personally appeared JEANNE VANDERPOOL, known or identified to me to be the persons whose name is subscribed to within this instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the said County the day and year first above written.



Kim Okamuro Hackler
NOTARY PUBLIC FOR IDAHO
Residing at: Adams Co
Comm. Expires: 9.27.2025

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

85161

JUN 25 2021
SUPERSEDED
WATER RESOURCES
WESTERN REGIONMINIMUM 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.

Name of Applicant(s) Bill R. OwensCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

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

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

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #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: _____

85161

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Bill R. Owens Phone _____

Mailing address _____ 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 Albert P. Barker Phone (208) 336-0700

Mailing address P.O. Box 2139, Boise, ID 83701 Email apb@idahowaters.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.

Bill R. Owens

Signature of Applicant or Authorized Representative

Bill R. Owens

Print Name and Title if applicable

6/10/21

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

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 is intended to capture the fact that the property where the stockwater is to be used includes land in the NWNE, Section 29, T23N, R01E.

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 ☒ ☐	78-10093	0.02	stockwater	3/15 to 9/30	Denny Creek/Little Salmon
☐ ☐				to	River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

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

2. Total amount of water proposed to be transferred or changed 0.02 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	01E	29		X	X														
Total Acres (for irrigation use)																			

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:
stockwater from Denny Creek
-
- b. Who owns the property at the point(s) of diversion? applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
-
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____
-
- It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
N/A
-
- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
N/A
-
- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
- Yes No**
- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/29/2021

5. DETERMINATION OF HISTORICAL BENEFICIAL USE.
STOCKWATER, 10 RANGE CATTLE DIVERSION OF WATER FROM DENNY CREEK
IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER
THIS RIGHT AND PRIORITY FROM THE ORIGINAL SPRING SOURCE.

Comments:

Dates and Other Information

Decreed Date: 8/18/2000

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: OR

Water District Number: NWD

Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

85161



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 26, 2022

BILL R OWENS
883 SW 2ND ST
ONTARIO OR 97914-3521

JEANNE VANDERPOOL
PO BOX 204
POLLOCK ID 83549-0204

Re: Transfer No: 85161
Water Right No(s): 78-10093
Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved amended Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Amended 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,



Scott Storms
Water Rights Supervisor

Enclosure
CC:

ALBERT P BARKER
BARKER ROSHOLT & SIMPSON LLC
1010 W JEFFERSON ST SUITE 102
BOISE ID 83701-2139

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 Amended Transfer) to the person(s) listed below:

Re: Transfer No.: 85161

Water Right No(s): 78-10093

**BILL R OWENS
883 SW 2ND ST
ONTARIO OR 97914-3521**

**JEANNE VANDERPOOL
PO BOX 204
POLLOCK ID 83549-0204**

**ALBERT P BARKER
BARKER ROSHOLT & SIMPSON LLC
1010 W JEFFERSON ST SUITE 102
BOISE ID 83701-2139**



**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.



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 19, 2022

BILL R OWENS
883 SW 2ND ST
ONTARIO OR 97914-3521

JEANNE VANDERPOOL
PO BOX 204
POLLOCK ID 83549-0204

Re: Transfer No: 85161
Water Right No(s): 78-10093
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,



Scott Storms
Water Rights Supervisor

Enclosure
CC:

ALBERT P BARKER
BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE ID 83701-2139

WILLIAM J OWENS
883 SW 2ND ST
ONTARIO OR 97914-3521

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 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.: 85161
Water Right No(s): 78-10093**

**BILL R OWENS
883 SW 2ND ST
ONTARIO OR 97914-3521**

**JEANNE VANDERPOOL
PO BOX 204
POLLOCK ID 83549-0204**

**ALBERT P BARKER
BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE ID 83701-2139**

**WILLIAM J OWENS
883 SW 2ND ST
ONTARIO OR 97914-3521**



**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. 85161
FROM: Laura McSherry
DATE: July 08, 2022
RE: Evaluation of Application

The transfer proposes changing a portion of water right no. 78-10093 as follows: to change the place of use of stockwater use to lots located in the NWNE and SWNE of Section 29, T23N, R01E, west of US Highway 95. The transfer also proposes a split change of ownership from William and Irene Owens to Jeanne Vanderpool and Bill Owens for the stockwater use only.

Contact person for the transfer is Barker Rosholt & Simpson LLP representative Albert Barker, PO Box 2319, Boise, ID 83701. APB@IdahoWaters.com. (208)-336-0700.

Summary of Information Submitted

Authority to File:

Water right no. 78-10093, owned by William and Irene Owens, was split by a deed and partition agreement. Bill Owens and Jeanne Vanderpool are the current water right holders and are authorized to submit a transfer request. The POU is appurtenant to the property owned by Bill Owens and Jeanne Vanderpool.

Water Right Validity:

The partial decree for water right no. 78-10093 was issued on August 18, 2000. This right is presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by department aerial imagery, landsat images, google earth images, or other evidence. Evidence of beneficial use does not need to be added to the file, it is an IDWR product available to other staff.

Injury to Other Water Rights:

The transfer proposes no changes in the nature of use. No additional rate or volume is proposed to be diverted from this source beyond the historical use of the rights. No enlargements of the water right is anticipated.

Enlargement of Use:

The transfer proposes no changes in the nature. No additional rate or volume is proposed to be diverted from this source beyond the historical use of the rights. No enlargements of the water rights are anticipated.

Local Public Interest:

No evidence has been submitted suggesting the transfer proposes changes at odds with the local public interest.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

Discussion

Prior to the approval of this transfer, ownership of water right no. 78-10093 was split by beneficial use. The stockwater use was transferred to Bill Owens and Jeanne Vanderpool. The domestic use was transferred to Gracie Barron, creating child water right no. 78-12557. The memo located within the transfer file titled "Ownership Change Processed Prior to Transfer No. 85161", dated May 10, 2022, contains more information regarding this action.

Requests were made to IDWR accounts payable to issue refunds for several overpayments involved in the ownership change and transfer applications. The memo located within the transfer file titled "Refund – Ownership Change & Transfer 85161 Application Fees", dated June 21, 2022, contains more information regarding this action.

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

MEMORANDUM

TO: Owens, Barron, Vanderpool
FROM: Laura McSherry
DATE: 06/21/2022
RE: Refund – Ownership Change & Transfer 85161 application fees

Payments were made by 3 different payees in error. The following actions as it pertains to the application fees are as follows:

Ownership change fee = \$100
Transfer fee = \$100

This payment satisfies all fees:

\$200 payment received on 08/25/2020 by Cindy Vincent – Receipt# W048654

Refund requests were submitted to Fiscal on 06/21/2022 for each of these payments:

\$125 payment received on 06/25/2021 by Bill Owens – Receipt# W049518

\$100 payment received on 06/25/2021 by Gracie Barron – Receipt# W049516

\$100 payment received on 06/25/2021 by Jeanne Vanderpool – Receipt# W049517

Confirmation of refund actions was received by Cindy Vincent and Bill Owens.

McSherry, Laura

From: McSherry, Laura
Sent: Tuesday, June 21, 2022 10:34 AM
To: IdwrPayable
Subject: Refund: Ownership Change fee

Hello,

Please refund \$100. Ownership fees were overpaid.

NAME: GRACIE BARRON

ADDRESS: PO BOX 284
POLLOCK ID 83547-0284

RECEIPT #: W049516

Thank you,



Laura McSherry

Water Resource Agent

P: (208) 605-4633

Idaho Dept. of Water Resources

idwr.idaho.gov

McSherry, Laura

From: McSherry, Laura
Sent: Tuesday, June 21, 2022 10:31 AM
To: IdwrPayable
Subject: Refund: Ownership Change fee

Hello,

Please refund \$100. Ownership fees were overpaid.

NAME: JEANNE VANDERPOOL

ADDRESS: PO BOX 204
POLLOCK ID 83549-0204

RECEIPT #: W049517

Thank you,



Laura McSherry

Water Resource Agent

P: (208) 605-4633

Idaho Dept. of Water Resources

idwr.idaho.gov

McSherry, Laura

From: McSherry, Laura
Sent: Tuesday, June 21, 2022 10:29 AM
To: IdwrPayable
Subject: Refund: Ownership Change fee

Hello,

Please refund \$125. Ownership fees were overpaid.

NAME: BILL OWENS

ADDRESS: 883 SW 2ND ST
ONTARIO OR 97914-3521

RECEIPT #: W049518

Thank you,



Laura McSherry

Water Resource Agent

P: (208) 605-4633

Idaho Dept. of Water Resources

idwr.idaho.gov

McSherry, Laura

From: Cindy Vincent <bowens54@gmail.com>
Sent: Saturday, June 18, 2022 9:19 AM
To: McSherry, Laura
Subject: Re: IDWR Follow Up

These refunds look correct. We look forward to receiving these payments back. Thank you for catching the overpayment.

Bill Owens

On Fri, Jun 17, 2022 at 1:24 PM McSherry, Laura <Laura.McSherry@idwr.idaho.gov> wrote:

Hello Bill and Cindy,

Please confirm agreement with the following actions as it pertains to the ownership change and transfer applications.

Ownership change fee = \$100

Transfer fee = \$100

This payment will cover all fees:

\$200 payment received on 08/25/2020 by Cindy Vincent

Refunds will be issued for each of these payments, mailed to each payee:

\$125 payment received on 06/25/2021 by Bill Owens

\$100 payment received on 06/25/2021 by Gracie Barron

\$100 payment received on 06/25/2021 by Jeanne Vanderpool

Once your confirmation of these actions is received, formal refund requests will be made.

Thank you,

Laura

From: Cindy Vincent <bowens54@gmail.com>
Sent: Wednesday, June 15, 2022 11:33 AM
To: McSherry, Laura <Laura.McSherry@idwr.idaho.gov>
Subject: Re: IDWR Follow Up

Here are things that still need changed:

Pg. 2 for Jeanne, it still shows Domestic and it should be stockwater.

Pg. 3 for Gracie, it still has #78-4027 instead of 78-12557 and that would need domestic use indicated.

The map looked good.

Bill Owens

On Mon, Jun 13, 2022 at 11:03 AM McSherry, Laura <Laura.McSherry@idwr.idaho.gov> wrote:

Hello Mr. Owens,

Please see the attached documents regarding specifics on the requested ownership changes.

If you have any questions, please reach out.

Regards,



Laura McSherry

Water Resource Agent

P: (208) 605-4633

Idaho Dept. of Water Resources

idwr.idaho.gov

McSherry, Laura

From: McSherry, Laura
Sent: Monday, June 13, 2022 11:37 AM
To: Albert Barker
Subject: RE: IDWR Follow Up

Hello,

No additional payment is needed, in fact, several refunds need to be issued for overpayment.

Mr. Owens reached out after receiving the ownership change confirmation documents and expressed confusion. This email includes the most recent paperwork submitted regarding the ownership changes and transfer. I expect Mr. Owens will be reaching out to you soon to gain clarity before any processing resumes.

Regards,
Laura

From: Albert Barker <apb@idahowaters.com>
Sent: Monday, June 13, 2022 11:22 AM
To: McSherry, Laura <Laura.McSherry@idwr.idaho.gov>
Subject: RE: IDWR Follow Up

Laura-

Do I read this correctly that no further fees are due and that you are applying the prior payments to this modification? Or do you need additional payment?

Albert P. Barker
Barker Rosholt & Simpson LLP
1010 W Jefferson, Suite 102
Boise, Idaho 83702
(208) 336-0700

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From: McSherry, Laura <Laura.McSherry@idwr.idaho.gov>
Sent: Monday, June 13, 2022 11:03 AM
To: bowens54@gmail.com
Cc: dowens54@gmail.com; Albert Barker <apb@idahowaters.com>
Subject: IDWR Follow Up

Hello Mr. Owens,

Please see the attached documents regarding specifics on the requested ownership changes.

McSherry, Laura

From: McSherry, Laura
Sent: Friday, May 13, 2022 1:32 PM
To: Albert Barker
Subject: RE: ACTION NEEDED: Owens & Vanderpool Transfer App

Albert,

Thanks for the quick response.
I will add the document to the transfer file and continue processing the application.

Thanks,
Laura

From: Albert Barker <apb@idahowaters.com>
Sent: Friday, May 13, 2022 1:23 PM
To: McSherry, Laura <Laura.McSherry@idwr.idaho.gov>
Subject: RE: ACTION NEEDED: Owens & Vanderpool Transfer App

Laura
Sorry for the delay. I had to head out of town. I printed out the page, made the change but didn't get it sent to you before I left. Here it is.

From: McSherry, Laura <Laura.McSherry@idwr.idaho.gov>
Sent: Friday, May 13, 2022 11:07 AM
To: Albert Barker <apb@idahowaters.com>
Subject: ACTION NEEDED: Owens & Vanderpool Transfer App

Hello Mr. Barker,

I have not received the corrected transfer application document requested by phone on Tuesday, May 10.

Please correct pg 3, Part 1B #4 on the attached Owens_TransferApp document to reflect the place of use **after** the requested changes are made.

Attached are Owens_Properties and Owens_TransferApp_EXAMPLE documents to use as guidance.
Please return the corrected Owens_TransferApp to further process the application.

If you have any questions, please reach out to me directly.

Regards,



Laura McSherry
Water Resource Agent
P: (208) 605-4633
Idaho Dept. of Water Resources
idwr.idaho.gov

MEMORANDUM

Date: 05/10/2020
To: Water Right File 78-10093
From: Laura McSherry
Re: Ownership Change Processed Prior to Transfer No. 85161

Ownership change (including applicable fee) requested with transfer filing. A separate Notice of Ownership Change form was received. Ownership change processed prior to transfer resulting in:

WR 78-10093 to:

78-10093 - Stockwater (BILL R OWENS & JEANNE VANDERPOOL)

78-12557 – Domestic (GRACIE H BARRON)

McSherry, Laura

From: Storms, Scott
Sent: Thursday, March 10, 2022 1:57 PM
To: Evans, Lynne
Cc: McSherry, Laura
Subject: RE: Owens/Vanderpool/Barron

Perfect, thank you!

- Scott

From: Evans, Lynne <Lynne.Evans@idwr.idaho.gov>
Sent: Thursday, March 10, 2022 1:49 PM
To: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Cc: McSherry, Laura <Laura.McSherry@idwr.idaho.gov>
Subject: RE: Owens/Vanderpool/Barron

We just received this today, and I've handed it off to Laura!

--Lynne

From: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Sent: Monday, March 7, 2022 1:26 PM
To: Evans, Lynne <Lynne.Evans@idwr.idaho.gov>
Cc: McSherry, Laura <Laura.McSherry@idwr.idaho.gov>
Subject: FW: Owens/Vanderpool/Barron

Hi Lynn,

I got this email today related to a transfer/ownership change that Laura has. This is in basin 78 but it began before we started sending things in the 70's basins to the SO. When it arrives go ahead and hand it off to Laura.

- Scott

From: Albert Barker <apb@idahowaters.com>
Sent: Monday, March 7, 2022 11:22 AM
To: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Cc: Ailen Evaniuck <aje@idahowaters.com>
Subject: Owens/Vanderpool/Barron

Scott-

We will be sending the original documents to your office in the mail but I wanted to make sure you had them with an explanation of what we have done to change the applications. This should be what we discussed of what is necessary to get them what they need. Let me know if you need any additional fees to cover these changes.

First, attached is an amended application for transfer. This transfers the place of use of the stock water to NWNE quarter section of section 29. This is where both Bill Owens' property and Jeanne Vanderpool's property is located. It is signed by both Owens and Vanderpool.

Second, attached are two amended Notices of Change of Ownership. The first Notice is to change ownership of the stock water portion of 78-10093 to Owens and Vanderpool. The second Notice is to change ownership of the domestic portion of 78-10093 to Gracie Barron. There is no need to transfer the place of use as the well appears to be located in the SWNE of section 29.

There is no need to change the Notice of Change of Ownership for 78-4027 as that was always going to Barron. We would like that to be processed recognizing the status of that right may be uncertain.

The fourth document is the Second Amendment to Partition Agreement. This Second Amendment explains that Owens and Vanderpool are getting the stockwater portion of 78-10093 and that Barron is getting the domestic portion of 78-10093. It also explains the status of 78-4027 and that to the extent it is a valid claim, 78-4027 belongs to Barron as well.

Thank you for your help. Please let me know if you have any questions.

Albert P. Barker
Barker Rosholt & Simpson LLP
1010 W Jefferson, Suite 102
Boise, Idaho 83702
(208) 336-0700

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**Barker Rosholt
& Simpson LLP**

Albert P. Barker

EMAIL: apb@idahowaters.com

PHONE: 208.336.0700

WEB: idahowaters.com

Boise

1010 W. Jefferson St. Suite 102

Boise, Idaho 83702

p. 208.336.0700

f. 208.344.6034

Attorneys

Albert P. Barker

John K. Simpson

Travis L. Thompson

Scott A. Magnuson
of counsel

Sarah W. Higer

Michael A. Short

John A. Rosholt
(1937-2019)

RECEIVED

MAR 10 2022

**WATER RESOURCES
WESTERN REGION**

March 7, 2022

Via U.S. Mail

Scott Storms
IDWR Western Region Office
2735 W. Airport Way
Boise, ID 83705

Re: Amended Application for Transfer of Water Right – Owens et. al.

Dear Mr. Storms:

Enclosed, please find the following:

1. Original – Amended Application for Transfer of Water Right
2. Original – Amended Notice of Change in Water Right Ownership
3. Original – Amended Notice of Change in Water Right Ownership
4. Copy – Second Amendment to Partition Agreement

Thank you.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP

Ailen Evaniuck
Legal Assistant

Enc. a/s
/aje

Kaiser, Anna

From: Albert Barker <apb@idahowaters.com>
Sent: Monday, December 6, 2021 3:44 PM
To: Kaiser, Anna
Subject: RE: Bill R Owens Transfer No. 85161

Is there anything more on the adjudication file for 78-10093? The file shows 78-10093 claimed for domestic and stockwater from a spring and for 0.06 cfs. It references 78-4027 water right which was claimed as 0.01 cfs for domestic only. Both right numbers show the same priority date. Is there anything showing how the Department was able to recommend 0.06 cfs, adding stockwater and changing the source?

From: Kaiser, Anna <Anna.Kaiser@idwr.idaho.gov>
Sent: Monday, December 6, 2021 2:53 PM
To: Albert Barker <apb@idahowaters.com>
Subject: RE: Bill R Owens Transfer No. 85161

It is odd. I'm not sure why 78-4027 still shows as an active right.

It was exempt as a domestic right. So, theoretically, the applicant could still try to claim 78-4027 as an individual domestic right. However, considering the blackflies, I believe the Department would reach the conclusion that 78-4027 was superseded by 78-10093 in the SRBA (unless the applicant can provide some sort of additional information supporting the claim that 78-4027 is a unique right).

See the attached backfiles.

From: Albert Barker <apb@idahowaters.com>
Sent: Friday, December 3, 2021 5:19 PM
To: Kaiser, Anna <Anna.Kaiser@idwr.idaho.gov>
Subject: RE: Bill R Owens Transfer No. 85161

That all seems odd to me. 78-4027 is a spring right and 78-10093 is a Denny Creek right. As 78-4027 is a domestic right, it would have been exempt from having to be claimed in the SRBA. Idaho Code 42-1420(1)(a)

I can't find the back files for either right on the IDWR website. It is possible to forward those to me?

From: Kaiser, Anna <Anna.Kaiser@idwr.idaho.gov>
Sent: Friday, December 3, 2021 4:44 PM
To: Albert Barker <apb@idahowaters.com>
Subject: RE: Bill R Owens Transfer No. 85161

Vanderpool would need to submit a separate transfer application changing the place of use of the domestic portion of right 78-10093 from the SWNE quarter-quarter to the NWNE quarter-quarter.

I believe the partition agreement includes sections quitclaiming the relevant portion of the water rights to Vanderpool and Barron, so I don't think we need any additional conveyance documents for the processing of these two transfers. Next week, I will double check with my supervisor to make sure the partition agreement is sufficient.

The Department also has an ownership change for right 78-4027 changing ownership from William Owens to Gracie Barron. 78-4027 can be placed into Gracie Barron's ownership. However, based on the Department's backfiles, 78-4027 is a statutory claim that was not decreed. The Department's documents suggest 78-4027 was superseded by 78-10093 during the SRBA. They do not appear to be two separate rights. The Department can still process ownership change for 78-4027, but since it is a claim, it does not have equal legitimacy to decreed or licensed water right. I'm not sure if the applicants are aware of this distinction. If they want to cancel this ownership change, the Department can refund the payer the \$25.00 fee for this ownership change.

Based on this information, would the applicants still like to proceed in changing ownership of 78-4027 to Gracie Barron, and transferring the domestic and stock water portions of 78-10093 to the Vanderpool and Owens properties?

I hope this makes sense. Please let me know how you would like to proceed with these rights and if you have any questions.

Thank you,
Anna

Anna Kaiser | Water Resource Agent
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov



From: Albert Barker <apb@idahowaters.com>
Sent: Thursday, December 2, 2021 11:52 AM
To: Kaiser, Anna <Anna.Kaiser@idwr.idaho.gov>
Subject: RE: Bill R Owens Transfer No. 85161

Yes.

We are still representing the parties to this transfer. It does appear from the county mapping that the Vanderpool property is in the NWNE ¼ section. The parties understood that only the Bill Owens property was outside the original POU. The parties' intent was to transfer the domestic right to Vanderpool. Bill Owens gets the stockwater portion of that same right 78-10093. To carry the parties' intent, the transfer of 78-10093 should also transfer the POU of the domestic right to the NWNE of section 29. What do we need to do to make that change?

Albert P. Barker
Barker Rosholt & Simpson LLP
1010 W Jefferson, Suite 102
Boise, Idaho 83702
(208) 336-0700

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From: Kaiser, Anna <Anna.Kaiser@idwr.idaho.gov>
Sent: Tuesday, November 23, 2021 3:07 PM
To: Albert Barker <apb@idahowaters.com>
Subject: RE: Bill R Owens Transfer No. 85161

Good afternoon,

I am checking in on this application. Are you still involved with this transfer?

Thank you,
Anna

Anna Kaiser | Water Resource Agent
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov

From: Kaiser, Anna
Sent: Tuesday, August 17, 2021 4:30 PM
To: Barker, Albert (IWRB Member) <apb@idahowaters.com>
Subject: Bill R Owens Transfer No. 85161

Good afternoon,

The Idaho Department of Water Resources (Department) received the transfer application you submitted in the name of Bill R Owens on June 25, 2021. The transfer is considered complete by department standards and has therefore been assigned the number 85161. Transfer 85161 proposes changes in the POU to the stockwater portion of water right 78-10093. However, after looking through this transfer application as well as the ownership changes submitted alongside the transfer, it appears the domestic portion of right 78-10093 should be transferred as well. The ownership change states the domestic portion of right 78-10093 is to be changed to ownership of Jeanne Vanderpool. Based on the Department's mapping tools, it appears Ms. Vanderpool's property is entirely within the NWNE quarter-quarter. Water right 78-10093 is currently only within the SWNE quarter-quarter.

With this email, I attached a scan of transfer no. 85161 as well as a map showing the Vanderpool property and the current POU of water right 78-10093. Please make the necessary corrections and return the corrected form to me via email or mail.

Let me know if you have any questions or concerns.

Thank you,
Anna

Anna Kaiser | Water Resource Agent
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov



**Barker Rosholt
& Simpson LLP**

Albert P. Barker

EMAIL: apb@idahowaters.com

PHONE: 208.336.0700

WEB: idahowaters.com

Boise

1010 W. Jefferson St. Suite 102

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Albert P. Barker

John K. Simpson

Travis L. Thompson

Scott A. Magnuson
of counsel

Sarah W. Higer

Michael A. Short

John A. Rosholt
(1937-2019)

June 23, 2021

Via U.S. Mail

Anna Kaiser
Water Resource Agent
IDWR Western Region Office
2735 W. Airport Way
Boise, ID 83705

Re: Ownership Change Water Right Nos: 78-4027 & 78-10093

Dear Ms. Kaiser:

I am writing on behalf of Bill Owens, Jeanne Vanderpool and Gracie Barron in response to your letter to them on February 25, 2021 regarding the change of ownership they previously file on Water Rights 78-4027 and 78-10093.

Your letter indicated that the Department would not allow a split of the domestic rights, as the parties originally contemplated in their Partition Agreement. Accordingly, Mr. Owens, Ms. Vanderpool and Ms. Barron have amended their Partition Agreement to change the 1/3-1/3-1/3 split of the two water rights among Owens, Vanderpool and Barron. This Amendment is shown in the attached Amendment to Partition Agreement dated June 10, 2021. The parties have agreed now that Water Right 78-4027 will be transferred from the Owens Estate to Gracie Barron. This right will be appurtenant to the Barron parcel. That way the domestic water right under that right will not be split. The parties have also agreed that the domestic portion of Water Right 78-10093 for .04 cfs will be split from the right and transferred to Jeannie Vanderpool. This right will be appurtenant to the Vanderpool parcel. That way the domestic portion of Water Right 78-10093 will not be split. Finally, the parties have also agreed that the stock water beneficial use under Water Right 78-10093 shall be transferred to Bill Owens and appurtenant to the Owens parcel. The Amendment to the Partition Agreement showing those modifications to the original Partition Agreement as well as the original Partition Agreement are attached hereto. Checks for the processing fees on these new transfer applications are attached as well.

Your letter also requests a transfer of the place of use of the stock water portion of Water Right No. 78-10093, because a small portion of the property served by that stock water right is outside the POU described in water right records. Accordingly, attached hereto is a transfer

Anna Kaiser
June 23, 2021
Page 2

application to include that small portion of the property outside the current boundaries of 78-10093 within the POU of water right 78-10093. This change contemplates no increase in the amount of water used on the property but it is merely a correction of the boundary to insure that a small portion of the actual POU is included in the water right. Accordingly, there will be no injury to any other water rights from including this area in the POU. For this change in the POU, it is also important to note that the land formally served by water right 78-10093 will now no longer include the land held by Vanderpool or Barron in their respective parcels. Thereby reducing the total land served by the stock water portion of Water Right No. 78-10093.

You also requested a deed or death certificate for William Owens. Attached hereto is a true and correct copy of the death certificate for William Owens. If you have any further questions, please contact me directly on behalf of the applicants Owens, Vanderpool and Barron.

Thank you.

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in blue ink, appearing to read 'Albert P. Barker', is written over a light blue circular stamp.

Albert P. Barker

APB/aje



Barker Rosholt
& Simpson LLP



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

February 25, 2021

BILL R OWEN
883 SW 2ND ST
ONTARIO OR 97914

JEANNE I VANDERPOOL
PO BOX 204
POLLOCK ID 83547

GRACIE H BARRON
PO BOX 284
POLLOCK ID 83547

**Ownership Change Water Right Nos: 78-4027 & 78-10093 –
Additional Information & Documentation Required**

Dear Applicants,

The Idaho Department of Water Resources (Department) received your notice of change in water right ownership of rights 78-4027 and 78-10093. The Department cannot process your request until the following items are addressed:

1. Domestic use cannot be split – confirm owner of original household

Since the decrees for rights 78-4027 and 78-10093 state domestic use is limited to single household use, the Department cannot divide the domestic water use of these rights. The Department will change ownership of the domestic portion of each water right to the recipient of the original household on the divided property. The records suggest Gracie Barron is the current owner of the portion of land containing the original household. Can you please confirm this?

Please note, water right 78-4027 is a domestic right and therefore, cannot be split. Water right 78-10093 is a domestic and stockwater right. The domestic portion of this right cannot be split. The stockwater portion of this right will be divided evenly among the three new owners of this right as outlined by the agreements included with your ownership change form.

2. *Transfer Required*

Before the Department can split water right 78-10093, you must submit an application for transfer to change the place of use (POU) of the stockwater portion of water right 78-10093. It appears a portion of the property lies outside the POU currently described by 78-10093.

With this letter, I attached a blank application for transfer form, the proof report for water right 78-10093, and a map outlining the decreed place of use for 78-10093 and the property boundary.

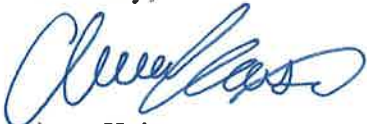
Please complete the transfer application and submit to the Department. Only one transfer application needs to be completed/submitted. The right will be split after the transfer is processed. Note: the transfer fee for a water right of this size is \$200.00. However, since you originally paid for two \$100.00 splits, and one of the water rights cannot be split, the Department can apply \$75.00 of that fee to the transfer application. So, you will only need to pay an additional \$125.00 for the transfer.

3. *Submit a deed or death certificate for William Owens*

Since William Owens is on the face of the decree for rights 78-4027 and 78-10093, the Department requires either a deed involving William Owens, or a death certificate for William Owens.

Please send all documentation to the Department's Western Regional Office addressed below. If you have any questions regarding the enclosed information, please do not hesitate to contact me at (208)-334-2190 or anna.kaiser@idwr.idaho.gov.

Sincerely,



Anna Kaiser
Water Resource Agent
IDWR | Wester Region Office
2735 W Airport Way | Boise ID 83705

Enclosures: Blank Application for Transfer form (w/ instruction packet)
78-10093 Proof Report
Aerial map showing 78-10093 decreed POU and Property Boundary