

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

86306

FEB 07 2022

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) Connie and/or Richard BrandauCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

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

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

- ☒ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☒ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☒ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☒ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☒ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☒ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☒ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☒ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Connie and/or Richard Brandau Phone 208-495-2529
Mailing address 9902 Wilson Cemetery Lane, Melba, ID 83641 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 Dave Shaw Phone 208-365-7684
Mailing address 802 S Plaza Rd, Emmett, ID 83617-9114 Email dshaw@erowaterresources.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.

<u>Connie Brandau</u> Signature of Applicant or Authorized Representative	<u>Connie Brandau</u> Print Name and Title if applicable	<u>2/4/2022</u> Date
<u>Richard Brandau</u> Signature of Applicant or Authorized Representative	<u>Richard Brandau</u> Print Name and Title if applicable	<u>2-4-2022</u> Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Correct POU & create PPU
2. Is this a transfer for changes pursuant to Idaho Code §42-221.0.8?
 If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
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 correctly identify the 86 acres being irrigated under the water rights included on this transfer and create a PPU to match current irrigation practices.

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	57-280	2.00	Irrigation	3/15 to 11/15	Reynolds Creek - Snake R
☒ ☐	57-2065	0.40	Irrigation	3/15 to 11/15	Reynolds Creek - Snake R
☒ ☐	57-2247	0.52	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	57-11567	1.26	Irrigation	2/15 to 7/15	Reynolds Creek - Snake R
☒ ☐	57-11568	3.90	Irrigation	2/15 to 7/15	Reynolds Creek - Snake R
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 8.08 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed _____ 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	
1S	3W	15			14.9	0.6					4.8			10.6	29.8	15.6	3.2	0.6	80.1
		22					Lt 3			Lt 4									
							4.6			1.3									5.9
Total Acres (for irrigation use)																			86

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:

No change to existing diversions nor points of diversion

- b. Who owns the property at the point(s) of diversion? Existing diversions - no change

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:

Proposed transfer is intended to match the water rights to the actual irrigated area, less irrigation in the NWSE and SENE and more irrigation in the NESE, all in Sec 15 TWP 1S Rge 3W.

- 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:

None

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

Yes No

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

If yes, describe:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

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

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

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

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

B. CHANGES IN NATURE OF USE (WaterBalance)

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

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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

Water rights 57-11567 and 57-11568 are supplemental rights and between the 2 of them are appurtenant to all 86 acres in this transfer. These rights are limited to times when there is extra water in Reynolds Creek and can be used early in the season but must be shut off by mid-July under the terms of the water right. Water right 57-2065 is of even priority with 57-11567 but can be used during the entire irrigation season if water is available to fill its priority. Supplemental rights on Reynolds Creek have historically been used to soak the ground early in the season when water is available to improve the soil moisture later in the irrigation season when Reynolds Creek has historically been water short.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

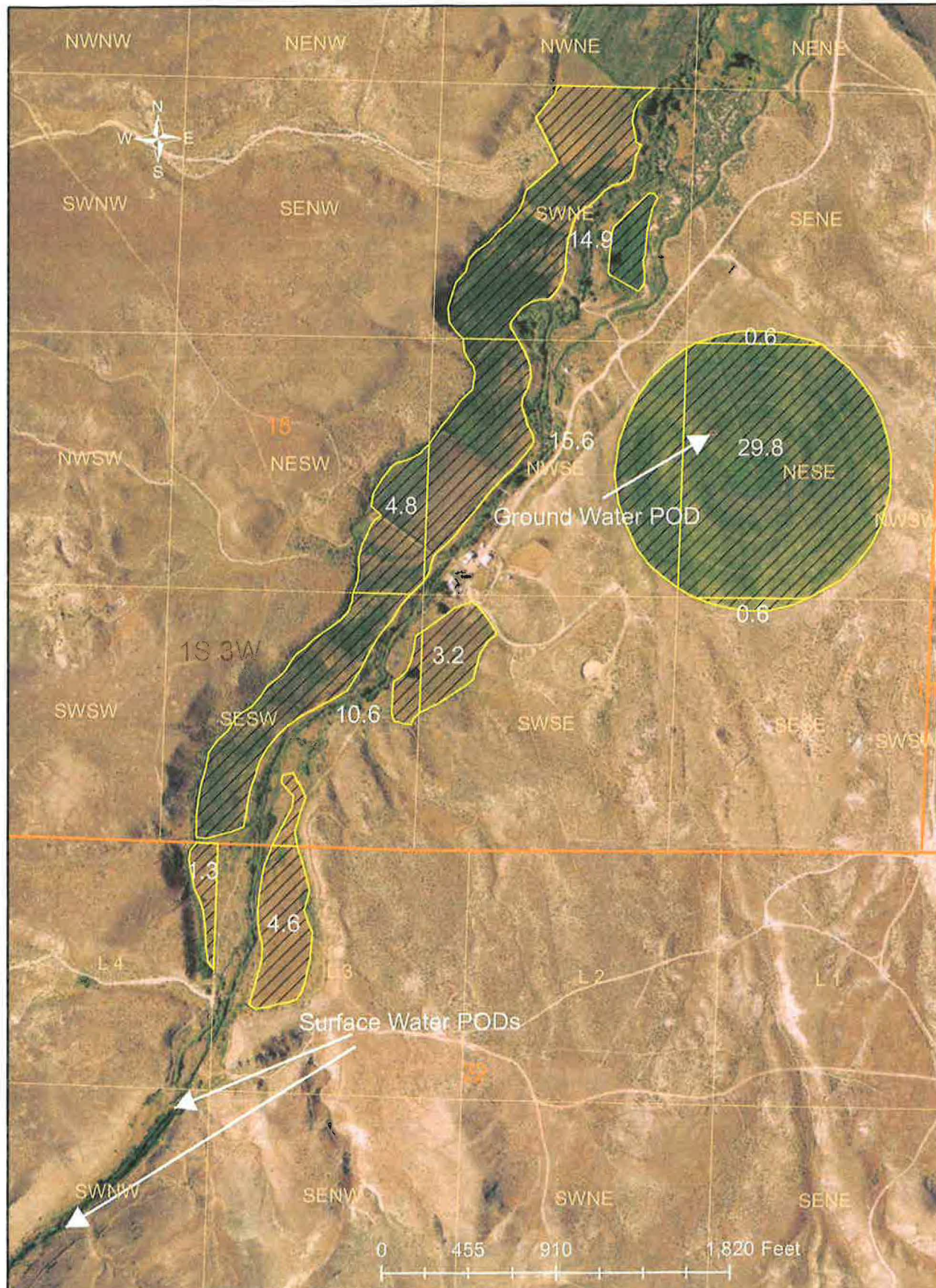
Received by LE Date 02/07/2022 Preliminary check by _____ Date _____

Fee paid \$1140.00 Date 02/07/2022 Received by LE Receipt # W050103

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)

Brandau Proposed Transfer



Based on 2019 NAIP Photography

Prepared by ERO 1-2022

Attachment 7a & 7b

86306



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WATER RIGHT REPORT

10/20/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 57-280

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CONNIE M BRANDAU
Current Owner	RICHARD H BRANDAU 9902 WILSON CEMETERY RD MELBA, ID 83641-4244 2089368825

Priority Date: 05/21/1879

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
REYNOLDS CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	2 CFS	
Total Diversion			2 CFS	

Location of Point(s) of Diversion:

REYNOLDS CREEK	SWNW	Sec. 22	Township 01S	Range 03W	OWYHEE County
REYNOLDS CREEK	SWNW	Sec. 22	Township 01S	Range 03W	OWYHEE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01S	03W	15		SWNE	17									
				NESW	6		SESW	15						
				NWSE	18									
		22	3	NENW	7	4	NWNW	2						

Total Acres: 65

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. 2 POINTS OF DIVERSION LOCATED IN T01S, R03W, S22, SWNW.

Dates:

Licensed Date:

Decreed Date: 12/23/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number: 57R

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

86306

Mitigation Plan: False

36306



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WATER RIGHT REPORT

10/20/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 57-2065

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CONNIE M BRANDAU
Current Owner	RICHARD H BRANDAU 9902 WILSON CEMETERY RD MELBA, ID 83641-4244 2089368825

Priority Date: 05/12/1914

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
REYNOLDS CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	0.4 CFS	
Total Diversion			0.4 CFS	

Location of Point(s) of Diversion:

REYNOLDS CREEK|SWNW|Sec. 22|Township 01S|Range 03W|OWYHEE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01S	03W	15		NESE	12		SWSE	6		SESE	3			

Total Acres: 21

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. USE OF THIS RIGHT WITH RIGHT NO. 57-02247 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.62 CFS.
3. USE OF THIS RIGHT WITH RIGHT NO. 57-02247 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 31 ACRES IN A SINGLE IRRIGATION SEASON.

Dates:

Licensed Date:

Decreed Date: 12/05/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number: 57R

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 31

Combined Volume Limit:

Combined Rate Limit: 0.62

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

36300

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

36300



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WATER RIGHT REPORT

10/20/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 57-2247

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CONNIE M BRANDAU
Current Owner	RICHARD H BRANDAU 9902 WILSON CEMETERY RD MELBA, ID 83641-4244 2089368825

Priority Date: 10/08/1961

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	0.52 CFS	117 AFA
Total Diversion			0.52 CFS	117 AFA

Location of Point(s) of Diversion:

GROUND WATER | NESE | Sec. 15 | Township 01S | Range 03W | OWYHEE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	03W	15		SWNE	1									
				NESE	12		NWSE	9		SWSE	1		SESE	3

Total Acres: 26

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. USE OF THIS RIGHT WITH RIGHT NO. 57-02065 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.62 CFS.
3. USE OF THIS RIGHT WITH RIGHTS LISTED ABOVE IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 31 ACRES IN A SINGLE IRRIGATION SEASON.

Dates:

Licensed Date:

Decreed Date: 12/05/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 31

Combined Volume Limit:

Combined Rate Limit: 0.62

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

86306



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WATER RIGHT REPORT

10/20/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 57-11567

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RICHARD H BRANDAU 9902 WILSON CEMETERY RD MELBA, ID 83641 2084952529

Priority Date: 05/12/1914

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
REYNOLDS CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	02/15	07/15	1.26 CFS	
Total Diversion			1.26 CFS	

Location of Point(s) of Diversion:

REYNOLDS CREEK | SWNW | Sec. 22 | Township 01S | Range 03W | OWYHEE County

REYNOLDS CREEK | SWNW | Sec. 22 | Township 01S | Range 03W | OWYHEE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	03W	15		NESE	12		SWSE	6		SESE	3			

Total Acres: 21

Conditions of Approval:

1. THIS RIGHT SHALL NOT BE DELIVERED IF THE FLOW AT THE UPPER BASIN TOLLGATE WEIR (T03S, R04W, S24, SESW) IS AT OR LESS THAN 37 CFS, OR THE FLOW AT THE OUTLET WEIR (T02S, R04W, S12, NESE) IS AT OR LESS THAN 57 CFS.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. THE USE OF WATER UNDER THIS RIGHT BEFORE MARCH 15 IS SUBORDINATE TO WATER RIGHTS 57-2325 AND 57-7040.
4. F05 RIGHT NO. 57-02065 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
5. F02 TWO POINTS OF DIVERSION LOCATED IN T01S, R03W, S22, SWNW.

Dates:

Licensed Date:

Decreed Date: 02/12/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 57R

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to call ahead for an appointment.

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WATER RIGHT REPORT

10/20/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 57-11568

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RICHARD H BRANDAU 9902 WILSON CEMETERY RD MELBA, ID 83641 2084952529

Priority Date: 09/21/1911

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
REYNOLDS CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	02/15	07/15	3.9 CFS	
Total Diversion			3.9 CFS	

Location of Point(s) of Diversion:

REYNOLDS CREEK	SWNW Lt 3	Sec. 22	Township 01S	Range 03W	OWYHEE County
REYNOLDS CREEK	SWNW Lt 3	Sec. 22	Township 01S	Range 03W	OWYHEE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	03W	15		SWNE	17									
				NESW	6		SESW	15						
				NWSE	18									
		22	3	NENW	7	4	NWNW	2						

Total Acres: 65

Conditions of Approval:

1. THIS RIGHT SHALL NOT BE DELIVERED IF THE FLOW AT THE UPPER BASIN TOLLGATE WEIR (T03S, R04W, S24, SESW) IS AT OR LESS THAN 37 CFS, OR THE FLOW AT THE OUTLET WEIR (T02S, R04W, S12, NESE) IS AT OR LESS THAN 57 CFS.
2. THE USE OF WATER UNDER THIS RIGHT BEFORE MARCH 15 IS SUBORDINATE TO WATER RIGHTS 57-2325 AND 57-7040.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 03/12/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 57R

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



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

June 30, 2022

RICHARD BRANDAU
CONNIE M BRANDAU
9902 WILSON CEMETERY LN
MELBA, ID 83641

ERO RESOURCES CORP
C/O DAVE SHAW
802 S PLAZA RD
EMMETT, ID 83617-9114

RE: Transfer No. 86306
Water Right No(s). 57-11567, 57-11568, 57-2065, 57-2247, 57-280

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the OWYHEE AVALANCHE on 7/6/2022 and 7/13/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

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

Sincerely,

Jean Hersley
Technical Records Specialist

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

57-12080

OWYHEE COUNTY

PO BOX 128

MURPHY, ID 83650-0128

Point of Diversion L4(SENW) S4 T03N R05W OWYHEE County

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31

0.09 CFS

Total Diversion:

0.09 CFS

Date Filed: 03-04-2022

Place Of Use: DOMESTIC

T03N R05W S4

NESW,L5(NWSE),L4(SWNE),L4(SENW)

Permits will be subject to all prior water rights. For additional 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/WRAApplicationResults/>. 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 protest fee of \$25.00 for each application on or before 7/25/2022. The protestant must also send a copy of the protest to the applicant.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 86306

RICHARD BRANDAU and CONNIE M BRANDAU, 9902 WILSON CEMETERY LN, MELBA, ID 83641; ERO RESOURCES CORP, C/O DAVE SHAW 802 S PLAZA RD, EMMETT, ID 83617-9114 has filed Application No. 86306 for changes to the following water rights within OWYHEE County(s): Right No(s). 57-11567, 57-11568, 57-2065, 57-2247, 57-280; 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:

to change a portion of the place of use for the rights involved and create an 86 acre permissible place of use for the 5 rights.

For additional information concerning the property location, contact Western Region office at (208)334-2190. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 7/25/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/6/2022 and 7/13/2022

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, June 30, 2022 10:01 AM
To: Jon Brown
Subject: Legal Notice for the Owyhee Avalanche for Transfer No. 86306; Water Right No(s). 57-11567, 57-11568, 57-2065, 57-2247, 57-280 & Application for Permit No. 57-12080
Attachments: Legal Notice.docx

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in The Owyhee Avalanche on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to the Western Region office, 2735 Airport Way, Boise, Idaho, 83705-5082 before July 25, 2022. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, June 30, 2022 10:02 AM
To: 'conniebrandau@q.com'
Subject: Application for Transfer No. 86306
Attachments: tmp6E53.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office by July 25, 2022.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation by July 25, 2022, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact the Western Region office at (208) 334-2190 if you have any questions regarding the application.

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*



McSherry, Laura

From: McSherry, Laura
Sent: Wednesday, June 1, 2022 2:22 PM
To: Dave Shaw
Subject: RE: Transfer Application Revision: Brandau

Hello Dave,

After more rigorous review, the proposed transfer does include all 86 acres authorized when combining water rights 57-280, 57-2065 and 57-2247.

The transfer application will resume processing.

Thank you for your patience.

If you have any further questions, please reach out.

Regards,
Laura McSherry

From: Dave Shaw <dshaw@eroresources.com>
Sent: Wednesday, March 16, 2022 11:06 AM
To: McSherry, Laura <Laura.McSherry@idwr.idaho.gov>
Subject: RE: Transfer Application Revision: Brandau

Thank you Laura,
Dave

David Shaw

ERO Resources Corporation

208.365.7684 | dshaw@eroresources.com | www.eroresources.com

From: McSherry, Laura <Laura.McSherry@idwr.idaho.gov>
Sent: Wednesday, March 16, 2022 9:08 AM
To: Dave Shaw <dshaw@eroresources.com>
Subject: RE: Transfer Application Revision: Brandau

CAUTION This email originated from outside our organization. Do not click links or open attachments unless you recognize the sender and verify the email address matches their name.

Hi Dave,

I will do further inquiry on the water rights PLS descriptions and review the backfiles with my supervisor.
I will reach out next week with our findings.

Thank you,
Laura

From: Dave Shaw <dshaw@eroresources.com>
Sent: Tuesday, March 15, 2022 2:32 PM
To: McSherry, Laura <Laura.McSherry@idwr.idaho.gov>
Subject: RE: Transfer Application Revision: Brandau

Thank you Laura,

After reviewing the water rights again, water right 57-2065 is a high water right with priority of 1914 and when I plotted the place of use shapes for water rights 57-280, 57-2065 and 57-2247 they totaled 86 acres. Since that is how they were decreed, I am not sure anything additional needs to be called out since the PPU being sought is also 86 acres. Calling a portion of a water right out as being forfeited can raise unnecessary angst when the water rights were decreed and plotted in the same manner we are asking for them to be described by the transfer application.

Attached are the water right descriptions as decreed for the part 2A of the transfer.

Please let me know if you have any additional questions or if I can provide you with and additional information,
Dave

David Shaw

ERO Resources Corporation
208.365.7684 | dshaw@eroresources.com | www.eroresources.com

From: McSherry, Laura <Laura.McSherry@idwr.idaho.gov>
Sent: Thursday, March 10, 2022 12:14 PM
To: Dave Shaw <dshaw@eroresources.com>
Subject: Transfer Application Revision: Brandau

Hello Dan,

The proposed PPU is 86 irrigated acres, however, the combined limit for irrigation is 96 acres.
Water rights 57-2065 and 57-2247 authorize 31 acres combined. Water right 57-280 authorizes 65 acres.

Does your client wish to forfeit 10 acres?
If not, please provide a map reflecting 96 acres and revise the PLS description on Part1 A4 (page 3) of the application.

I neglected to mention during our conversation that additional documents are needed for the transfer application.
Please provide completed Part 2 (page 5) for the rights included in the transfer: 57-280, 57-2065, 57-2247, 57-11567, 57-11568

If you have any questions, please reach out.

Thank you,



Laura McSherry

Water Resource Agent

P: (208) 605-4633

Idaho Dept. of Water Resources

idwr.idaho.gov