

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 26 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant JEFFREY D BROWER Phone (559) 909-1967

Mailing Address 456 NELSON ST, TULARE CA 93274-7538 * Email jblbrower@gmail.com

Name of Applicant MELISSA P BROWER Phone (559) 909-1967

Mailing Address 456 NELSON ST, TULARE CA 93274-7538 * Email jblbrower@gmail.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

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

☒ No Representative

Name of Representative _____ Phone _____

Mailing Address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Jeff Brower Jeff Brower _____
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Melissa Brower Melissa Brower _____
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	47-7853	No	No	No	Yes	No	No

* See next page for current address

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

RECEIVED

APR 26 2022

DEPT OF WATER RESOURCES
SOUTHERN REGIONWater Right Number(s): 47-7853, 47-14207, 47-14210Name(s): Jeffrey D. Brower and Melissa P. BrowerOld Mailing Address: 456 Nelson StTulare, CA 93274-7538New Mailing Address: 3851 N 1400 EBUHL ID 83316Telephone Number: (208) 731-4876Email: jbibrower@gmail.comSignature(s) of Owner(s) Jeffrey BrowerMelissa Brower

(Include your title if on behalf of company or organization.)

Date: _____

Send a signed original to your closest regional office:

IDWR Northern Region
7600 N. Mineral Dr., Suite 100
Coeur d'Alene, ID 83815-7763
(208) 762-2800

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Southern Region
650 Addison Ave W, Suite 500
Twin Falls, ID 83301-5858
(208) 736-3033

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

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.2**

Transfer proposes to add a point of diversion to right 47-7853. Currently the right lists only one authorized
POD and the system actually uses the dairy well as the main well and the house well as a backup. It
appears that the system has been operated this way since at least 1988.

- B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
47-7853	0.160 cfs	31.2 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS	0.160 cfs	31.2 af	N/A	N/A		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 0.16 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

4. Place of Use:

- ☒ No changes to place of use are proposed. (Proceed to #5.)
- ☐ As shown in Part 1.
- ☐ See Attachment.

**ID#40 DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 47-7853

Current Water Right Owner

JEFFREY D BROWER
456 NELSON ST
TULARE, CA 93274-7538

AND

MELISSA P BROWER
456 NELSON ST
TULARE, CA 93274-7538

Priority Date: 2/1/1983

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	01/01	12/31	0.130 CFS	12.0 AFA	
DOMESTIC	01/01	12/31	0.030 CFS	1.2 AFA	
STOCKWATER	01/01	12/31	0.130 CFS	18.0 AFA	
Total Diversion			0.160 CFS	31.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SESENE	Sec. 14 Twp 10S Rge 14E TWIN FALLS County
GROUND WATER	SESENE	Sec. 14 Twp 10S Rge 14E TWIN FALLS County

Place of Use: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	14E	14				X													

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	14E	14				X													

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	
10S	14E	14				X													

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

Power box to dairy barn well could be locked; piping to commercial/stockwater use could be altered to
allow for installation of flowmeter. Shut-off valve could be installed between domestic well and stockwater/commercial
use at dairy.

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

Applicants

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?

No, ☒ 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: NA- only adding a POD.

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

NA

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

47-14207 may be associated with the dairy.

- f. 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
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 47-7853

Current Water Right Owner

JEFFREY D BROWER
456 NELSON ST
TULARE, CA 93274-7538

AND

MELISSA P BROWER
456 NELSON ST
TULARE, CA 93274-7538

Priority Date: 2/1/1983

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	01/01	12/31	0.130 CFS	12.0 AFA	
DOMESTIC	01/01	12/31	0.030 CFS	1.2 AFA	
STOCKWATER	01/01	12/31	0.130 CFS	18.0 AFA	
Total Diversion			0.160 CFS	31.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER

SESENE

Sec. 14 Twp 10S Rge 14E TWIN FALLS County

Place of Use: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	14E	14				X													0.0

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	14E	14				X													0.0

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	
10S	14E	14				X													0.0

Conditions/Remarks:

1. 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.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

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

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

1. 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.:

Transfer No. 86020

Jeff and Melissa Brower - Transfer #86020



Legend

- Township/Range
- Sections
- QQ
- Proposed PODs

86020

0 0.0325 0.065 0.13 Miles



Customer Ad Proof

164-60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 127546

Publication

Times News

Contact

ID DEPARTMENT OF WATER RESOURCES

PO Number

Address 1

650 ADDISON AVE W, STE 500

Rate

Legal Notice

Address 2

Order Price

121.03

City St Zip

TWIN FALLS ID 83301

Amount Paid

0.00

Phone

2087363033

Amount Due

121.03

Fax

Section

Legals

Start/End Dates

05/15/2022 - 05/22/2022

SubSection

Insertions

2

Category

50 Legal

Size

77

Ad Key

127546-1

Salesperson(s)

Legal Notices

Keywords

NOTICE/TRANSFER NO. 86020, 86204

Taken By

Reba Davis

Notes

Ad Proof

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 86020

JEFFREY D BROWER and MELISSA P BROWER, 3851 N 1400 E, BUHL, ID 83316-6133 has filed Application No. 86020 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-7853. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to add a point of diversion (POD) to ground water right 47-7853 (0.16 cfs, stockwater, commercial, and domestic). The additional POD is an existing well located approximately 0.6 mile west and 2.9 miles south of the intersection of Main Street and Broadway Avenue in Buhl.

TRANSFER NO. 86204

HANSENS QUALITY JERSEYS LLC, 277 E 700 N, RUPERT, ID 83350-9580 has filed Application No. 86204 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-16758, 36-16760. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 13.1 acre portion (0.24cfs) of two groundwater irrigation rights from an existing farm located approximately 4.6 to 5.6 miles west and 1.1 to 1.7 miles north of Minidoka for commercial and stockwater use to an existing Dairy located adjacent to the farm. The transferred portion of the rights (0.24 cfs) will be diverted from two existing wells located at the existing Dairy.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see <https://research.idwr.idaho.gov>. 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, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before June 6, 2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Publish: May 19th & 26th, 2022

Proof of legal notice received

from Times News 5/12/2022

✓ dm 5.12.2022



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 12, 2022

JEFFREY D BROWER
MELISSA P BROWER
3851 N 1400 E
BUHL, ID 83316-6133

RE: Transfer No. 86020
Water Right No(s). 47-7853

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 **TIMES NEWS on 5/19/2022 and 5/26/2022**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **June 6, 2022**.

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,

Denise Maline

Denise Maline
Administrative Assistant 1

Maline, Denise

From: Maline, Denise
Sent: Thursday, May 12, 2022 10:10 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.docx

Attached please find **(1)** legal notice being submitted for publication on May 19th & 26th, 2022. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 12, 2022

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Transfer No. 86020

Water Right No(s). 47-7853

RE: Transfer No. 86204

Water Right No(s). 36-16758, 36-16760

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before June 6, 2022. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline

Administrative Assistant 1

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 86020**

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For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see <https://research.idwr.idaho.gov>. 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, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **June 6, 2022**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on May 19th & 26th, 2022

TRANSFER SYNOPSIS

Date: May 4, 2022
To: Transfer #86020, Jeffrey and Melissa Brower POD Transfer file
From: Jim Bitzenburg
Re: Summary of transfer

Application for transfer proposes to add a point of diversion (POD) to ground water right 47-7853 (0.16 cfs, stockwater, commercial, and domestic). The additional POD is an existing well located approximately 0.6 mile west and 2.9 miles south of the intersection of Main Street and Broadway Avenue in Buhl.

The transfer will be advertised because it adds a POD to a water right. It is not located within a water district, so watermaster comments will not be solicited.

FEE MEMORANDUM

Date: May 4, 2022
To: Jeffrey and Melissa Brower Transfer #86020 File
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer was filed on April 26, 2022 and proposes adding an existing well, in addition to the currently authorized POD, as authorized points of diversion for stockwater, commercial, and domestic water right 47-7853. Since the entire flow rate of the right could be diverted from the new POD, the fee is based on the flow rate of 0.16 cfs, or \$200.00. The fee was paid at filing with check #7007 from Jeff Brower, Inc. The IDWR receipt number is S039205.