

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85000

This is to certify that: KARLI B SCHIERMEIER AND
RUSSELL N SCHIERMEIER
29393 DAVIS RD
BRUNEAU, ID 83604-5046

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>
2-10552	WR/DECREED	2/3/1971	8.140 cfs	2035.0 af	N/A	407.0	SNAKE RIVER

Purpose of Transfer (Changes Proposed)

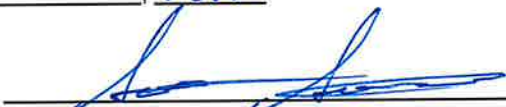
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
2-10552	NO	NO	YES	NO	NO	NO

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>
2-10552	2-10552	8.140 cfs	2035.0 af	N/A	407.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		8.140 cfs	2035.0 af	N/A	407.0		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 29th day of April, 2022.


SCOTT STORMS, Water Rights Supervisor

WATER RIGHT NO. 2-10552**As Modified by Transfer No. 85000**

In accordance with the approval of Transfer No. 85000, Water Right No. 2-10552 is now described as follows:

Right Holder: RUSSELL N SCHIERMEIER
KARLI B SCHIERMEIER
29393 DAVIS RD
BRUNEAU, ID 83604-5046

Priority Date: 2/3/1971

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 10/15	8.140 cfs	2035.0 af
			8.140 cfs	2035.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER SWSW Sec 8 Twp 06S Rge 05E OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	05E	29							14.0			40.0	40.0						94.0
06S	05E	30		24.0	34.0	32.0							24.0	40.0	40.0	39.0	40.0	40.0	313.0
													L 4						

POU Total Acres: 407.0

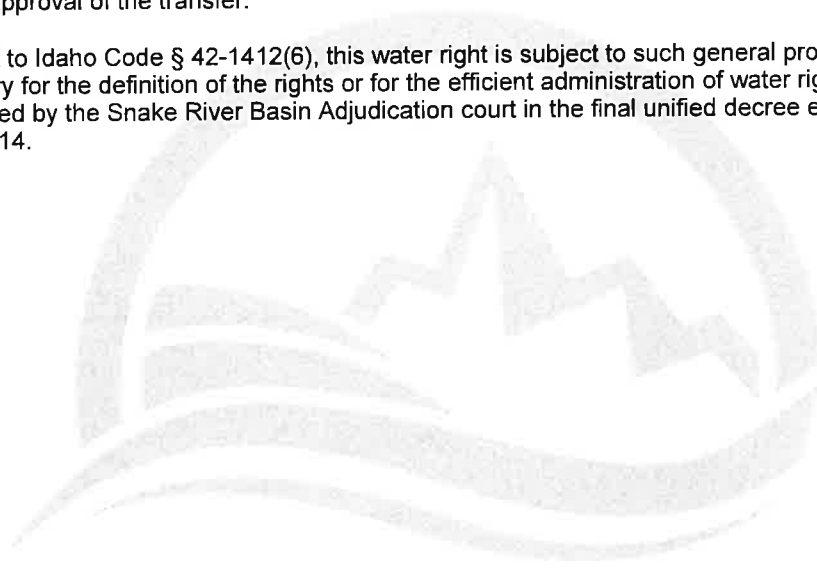
CONDITIONS OF APPROVAL

1. The period of use for the irrigation described in this approval may be extended an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than 6/15/2009.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 2.

Transfer No. 85000

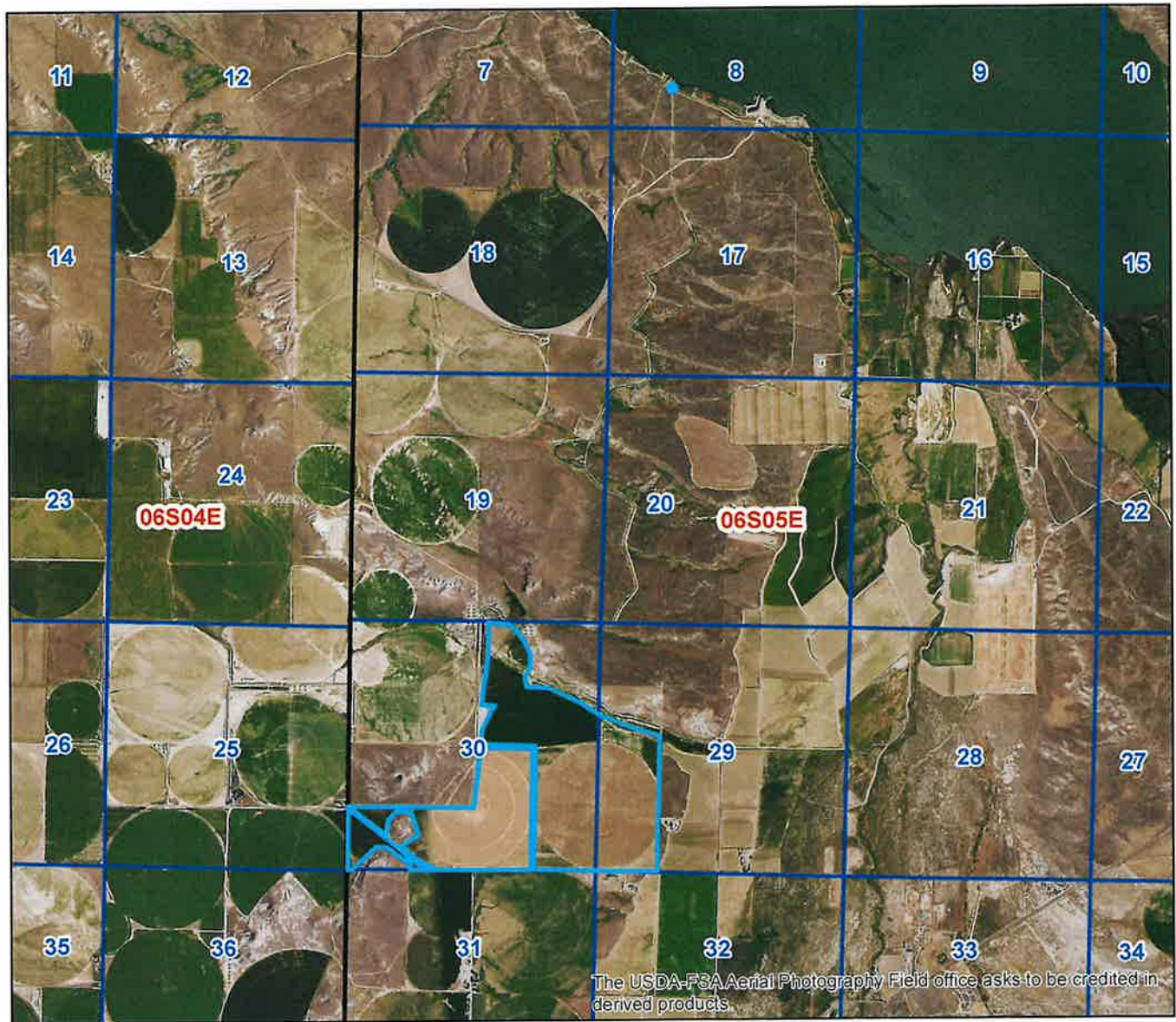
WATER RIGHT NO. 2-10552
As Modified by Transfer No. 85000

CONDITIONS OF APPROVAL

5. Rights 2-7132, 2-10236, 2-10237, 2-10551 and 2-10552 are diverted through the point of diversion described above.
 6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 8. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
- 

State of Idaho
Department of Water Resources
Attachment to Transfer No. 85000
Water Right: 2-10552

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



0 0.45 0.9 1.8 Miles

● Point of Diversion

Place of Use

Townships

PLS Sections





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

April 29, 2022

RUSSELL N SCHIERMEIER
29393 DAVIS RD
BRUNEAU ID 83604-5046

KARLI B SCHIERMEIER
29393 DAVIS RD
BRUNEAU ID 83604-5046

Re: Transfer No: 85000
Water Right No(s): 2-10552
Transfer Approval Notice

Dear Water Right Holder <and other Interested Persons>:

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

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Scott Storms', with a long horizontal line extending to the right.

Scott Storms
Water Rights Supervisor

Enclosure

CC:

CERTIFICATE OF SERVICE

I hereby certify that on May 2, 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.: 85000
Water Right No(s): 2-10552

RUSSELL N SCHIERMEIER
29393 DAVIS RD
BRUNEAU ID 83604-5046

KARLI B SCHIERMEIER
29393 DAVIS RD
BRUNEAU ID 83604-5046

WATER DISTRICT #2 (Watermaster)
ROB WHITNEY
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720-0098



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. 85000

FROM: Laura McSherry

DATE: April 19, 2022

RE: Evaluation of Application

The transfer proposes changing water right no. 2-10552 as follows: change 20 acres of the 407-acre place of use permitted to accommodate updates to the system from flood irrigation to a pressurized pivot irrigation system. The transfer was submitted in response to a Pending Notice of Violation (PNOV)-Unauthorized Diversion and Use of Water.

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

Summary of Information Submitted

Authority to File:

Russell Schiermeier is the water right holder and is authorized to submit a transfer request. The property aprutinent to the proposed POU is owned by Russell Schiermeier.

Water Right Validity:

The decree for water right no. 2-10552 was issued on February 03, 1971. 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:

Water right 2-10552 is located within Water District #2. The proposal was submitted to the Watermaster of Water District #2, who did not oppose the Transfer.

Enlargement of Use:

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 as the place of use description was explicitly designated, totalling no more than the authorized 407 acres.

Local Public Interest:

No evidence has been submitted suggesting the transfer proposes changes at odds with the local public interest. The transfer application was provided to Water District 2 Watermaster with no opposition.

Beneficial Use/Conservation of Water Resources:

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

Discussion

A Pending Notice of Violation (PNOV)-Unauthorized Diversion and Use of Water was sent as certified mail to the water right holder on April 30, 2021. The letter located within the transfer file contains more information regarding enforcement Case No. E2021-1706. The transfer application was filed on May 27, 2021 to update the place of use to a new irrigation layout to accommodate a more efficient pivot irrigation system which is replacing the historic sprinkler irrigation system. The changes proposed in the Transfer will bring the use into compliance with the enforcement action.

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

State of Idaho

Department Of Water Resources

WATERMASTER RECOMMENDATION FORM

Water District #

WD02

Application #

x-fer 85000

Applicant Name

Russell & Karli Schiermeier

Watermaster Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional comments:
Transfer necessary to correct POU issues.

Dated this 19th day of April, 2022

R Whitney

Watermaster Signature

R Whitney

Printed Name



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

C.L. "BRAD" LITTLE
Governor

GARY SPACKMAN
Director

December 06, 2021

RUSSELL N SCHIERMEIER
29393 DAVIS RD
BRUNEAU, ID 83604-5040

Re: Application for Transfer No. 85000

Dear Applicant:

The Idaho Department of Water Resources (IDWR) has reviewed the above referenced application for transfer to change water right 2-10552. Additional information is needed to evaluate and process your application.

Please provide the following information:

- Place of Use map and appropriate legal descriptions

The original submitted map showed the proposed place of use (POU) exceeding the total acreage authorized by water right 2-10552. Per Idaho Code §42-222, as part of transfer evaluation, the Department must evaluate whether the change would constitute an enlargement in use of the original right. The water right authorizes the POU to include 407 total acres. The proposed POU includes 420.6 total acres. The difference between the authorized acres and proposed acres would constitute an enlargement of 13.6 acres.

Please reference the enclosed POU map that was last submitted at our office, which exceeds 407 acres. Please use a new enclosed map template to draw the POU area with a total of 407 acres, possibly not including the perimeters/corners outside of the center-pivot irrigated land. Please reference the legal description of the entire current water right to complete Part 2B and Part 1 of the transfer application with the corresponding legal descriptions and details.

To avoid future violations due to unauthorized irrigation, there are two options moving forward:

1. Reduce the amount of area irrigated to the 407 acres authorized by water right 2-10522. Return a new POU map with areas reflecting a total of 407 acres. Return the correctly completed Part 2B and Part 1 of the transfer application.
2. Submit a new application for permit for the additional 13.6 acres currently irrigated beyond what is authorized by water right 2-10522.

Please make the necessary changes to the map and forms and re-submit within the next thirty (30) days. IDWR forms and other information are available at www.idwr.idaho.gov. Please contact me at 208-605-4633 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Laura McSherry
Idaho Department of Water Resources
Western Region
208-605-4633

Enclosed: Copy of original transfer application
POU map submitted/New POU map templates
Current POU legal description/Part 2B & Part 1 of the transfer application

Place of Use

Trwp	Rng	Sec	From	Acres/L	NE				NW				SW				SE				Extra Acres/Lots	Water Use	Total Acres	County		
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE						
06S	05E	29	Database	Acres or X								12					42							96	OWYHEE	
				Lot #																						
06S	05E	30	Database	Acres or X													23		42						311	OWYHEE
				Lot #														4								



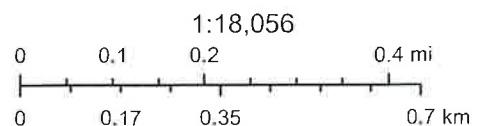
Total Acreage	Copy POU	Subdivisions
Irrigation	407.0	
Irrigation from Storage:	0.0	
Total Acres	407.0	Calculate

Water Rights new POU



8/1/2021, 5:06:14 PM

~ 412 ACRES



Esri, HERE, iPC, Idaho Department of Water Resources, Esri, HERE, Garmin, iPC, Maxar

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.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	_____	_____	_____	_____ 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 _____ 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	
Total Acres (for irrigation use)																			



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

C.L. "BRAD" LITTLE
Governor

GARY SPACKMAN
Director

July 26, 2021

RUSSELL N SCHIERMEIER
29393 DAVIS RD
BRUNEAU, ID 83604

Re: Application for Transfer No. 85000

Dear Applicant:

The Idaho Department of Water Resources (IDWR) is currently reviewing the above referenced application for transfer to change a water right. Additional information is needed to evaluate and process your application.

Please provide the following information:

- Place of Use map and description that is equal to the total acreage authorized by the water right

The submitted map shows the proposed place of use (POU) exceeding the total acreage authorized by water right 2-10552. Per Idaho Code §42-222, as part of transfer evaluation, the Department must evaluate whether the change would constitute an enlargement in use of the original right. The water right authorizes the POU to include 407 total acres. The proposed POU includes 420.6 total acres. The difference between the authorized acres and proposed acres would constitute an enlargement of 13.6 acres. Please reference the enclosed evaluated POU map and description. If you wish to proceed with this application please provide a proposed POU map with an area to equal the 407 acres authorized by water right 2-10552, and amend the POU description in section 4. of the application to match the acre description of the new shape.

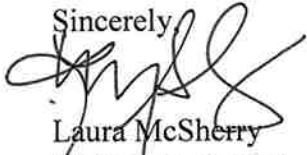
Additionally, in order to avoid future violations due to unauthorized irrigation, there are two options moving forward:

1. Reduce the amount of area irrigated to the 407 acres authorized by water right 2-10522.

2. Submit a new application for permit for the additional 13.6 acres currently irrigated beyond what is authorized by water right 2-10522.

A copy of the original application is enclosed. Please make the necessary amendments to the form and the map and re-submit within the next thirty (30) days. IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-605-4633 if you have any questions. Thank you for your attention to this matter.

Sincerely,



Laura McSherry
Idaho Department of Water Resources
Western Region
208-605-4633

Enclosure: A Copy of the Original Application
Evaluated Place of Use Map
Evaluated Description of Place of Use

CALL:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2B

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.

Right Number: 02-10552[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use) 407

RECEIVED

MAY 27 2021

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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) Russell & Karli SchiermeierCheck 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Russell & Karli Schiermeier Phone 208.989.2057
Mailing address 29393 Davis Road Bruneau, Idaho 83604 Email buyhay@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

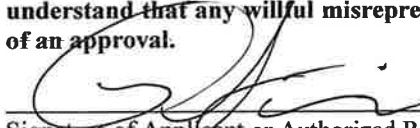
☐ Send original correspondence to the applicant and copies to the representative.

☐ 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.

 _____
Signature of Applicant or Authorized Representative Russell Schiermeier 5.21.2021
Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable 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 § 42-221.0.8](#)?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.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**.
Update watering areas due to change in more efficient pivot irrigation. The changes are a result of sprinkler irrigation being move to circular irrigation that was installed to save power and water. All property is owned and the move is to update to the new irrigation layout.

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 ☐ ☒	02-10552	8.140	irrigation	03/01 to 10/15	Snake River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 8.140 cfs and/or 2035 acre-feet.

2. Total amount of water proposed to be transferred or changed .368 cubic feet per second and/or 96.0 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.)

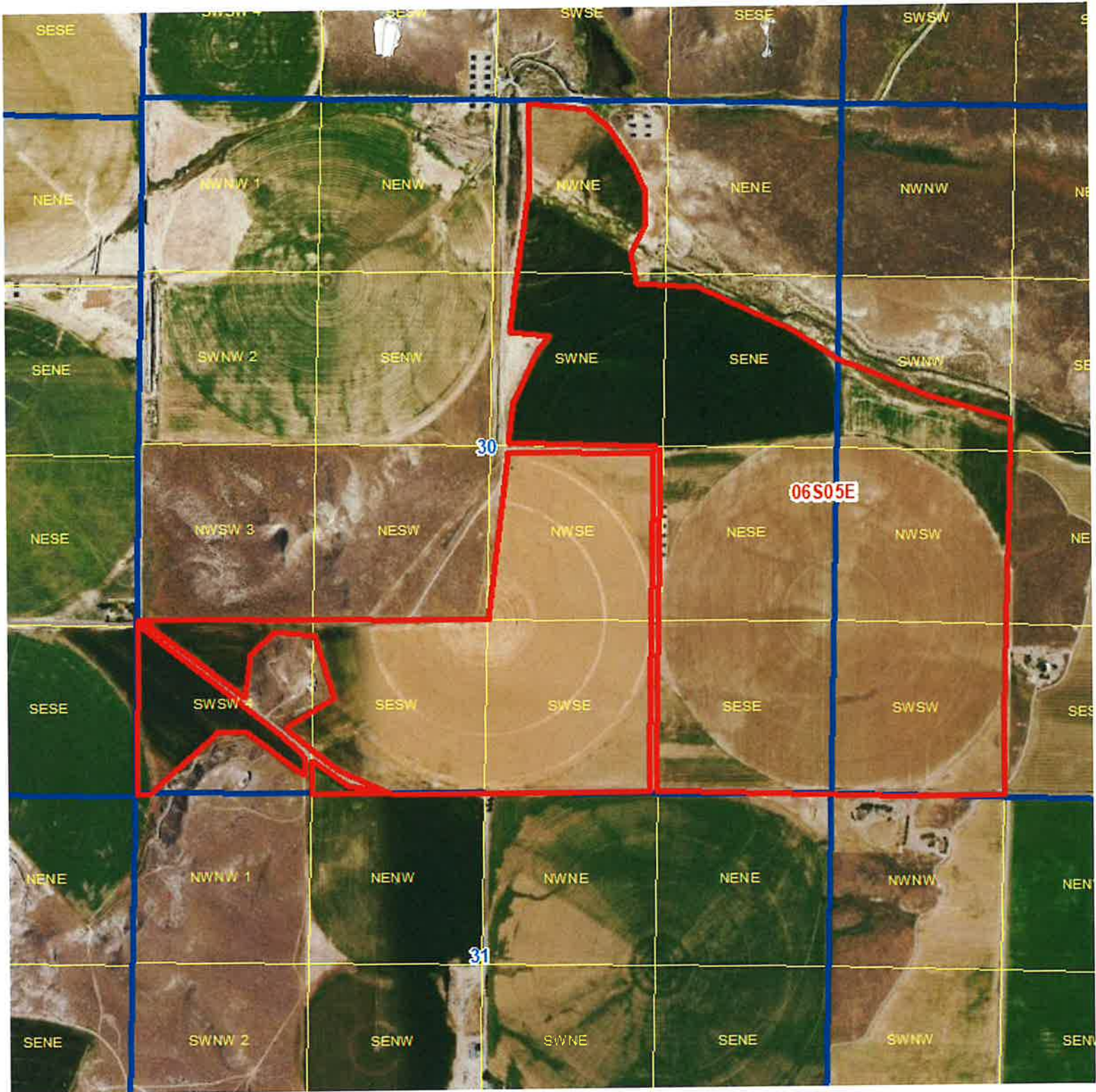
Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06s	05e	29							9.7			42	42						93.7
06s	05e	30		25.5	35.3	30						23.2	39.8	41	36.5	41	41	313.3	
06s	05E	29							11			42	41						94
		30		24	34	32						24	40	42	36	40	41	313	

Total Acres (for irrigation use)

407

RS
2.1.2022

907



RECEIVED

FEB 01 2022

WATER RESOURCES
WESTERN REGION

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:

An approved flowmeter was installed in 2018 with District 2

- b. Who owns the property at the point(s) of diversion? Russell & Karli Schiermeier

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:

- 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:

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

Yes No

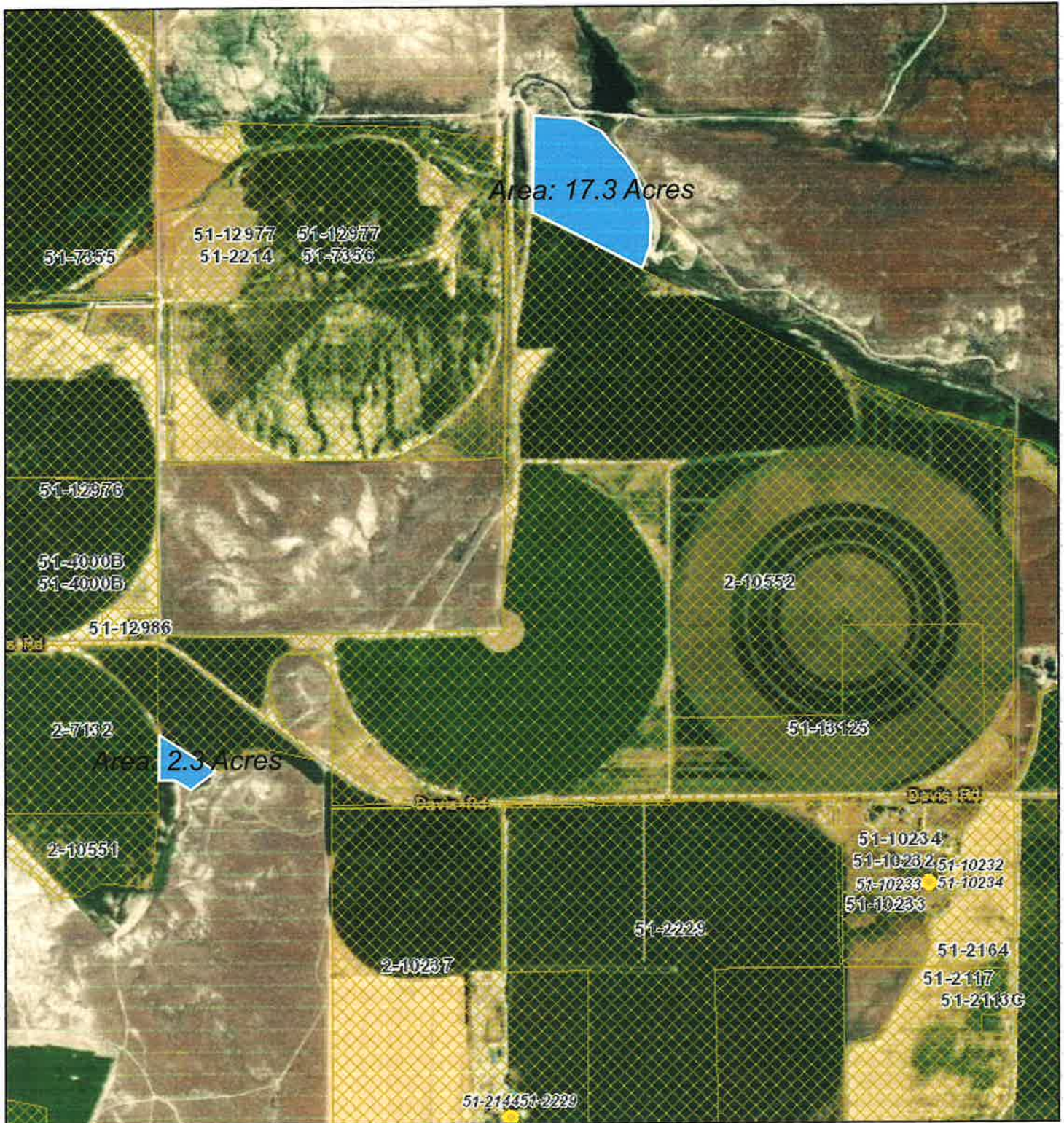
- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

2021 Water Layout RS



Water Rights



5/21/2021, 11:19:01 AM

POU - Water Rights



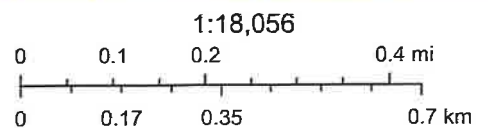
All Other POU (non-provider)



Irrigation Providers and Municipal Service Areas



POD - Water Rights



Esri, HERE, iPC, Esri, HERE, Garmin, iPC, Maxar

85000

Water Rights



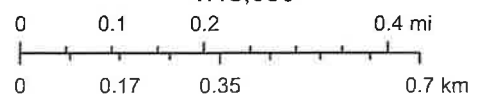
5/22/2021, 11:33:26 AM

- Quarter Quarter
- Section
- Township/Range

POU - Water Rights

- All Other POU (non-provider)
- Irrigation Providers and Municipal Service Areas
- POD - Water Rights

1:18,056



Esri, HERE, iPC, Idaho Department of Water Resources, Esri, HERE, Garmin, iPC, Maxar

85000

Application for Water Right



5/21/2021, 8:22:54 AM

Lines

Override 1

Override 2

Counties

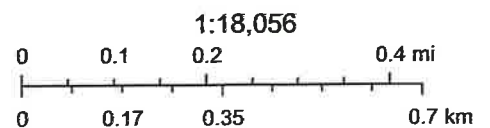
Quarter Quarter

Section

Township/Range

Idaho Outline

Idaho Mask



Created by NRCS from 1:24,000 scale USGS topographic maps., Esri, HERE, iPC, Idaho Department of Water Resources, Maxar

85000

Schiermeier
Case #E2021-1706
(2019 Aerial Imagery)

24

E2021-1706

51-7355

51-7356

51-2214

51-12977

06S04E

06S05E

25

30

False Color Infrared
Image 8/26/2020
Red Color Indicates
Photosynthesis
(Irrigation)

2-10552

E2021-1706

2-10237

36

31

- Schiermeier Water Rights
- E2021-1706, Irrigated Without Water Rights
- Township/Range
- Sections
- QQ



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/14/2017

Water Right 2-10552

Owner Type **Name and Address**
Current Owner RUSSELL N SCHIERMEIER
 29393 DAVIS RD
 BRUNEAU, ID 83604
 (208) 989-2057

AFTER SPUT

Current Owner KARLI B SCHIERMEIER
 29393 DAVIS RD
 BRUNEAU, ID 83604
 (208) 989-2057

Priority Date: 2/3/1971

Basis: Decreed

Status: Active

Source
SNAKE RIVER

Tributary
COLUMBIA RIVER

Beneficial Use
IRRIGATION

From **To**
03/01 10/15

Diversion Rate
8.140 CFS

Volume
2,035.0 AF

Total Diversion

8.140 CFS

2,035.0 AF

Source and Point(s) of Diversion

SNAKE RIVER

SWSW

Sec. 8, Twp 06S, Rge 05E, OWYHEE County

Place Of Use

IRRIGATION within OWYHEE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	05E	29							12.0				42.0	42.0					96.0
06S	05E	30		11.0	41.0	30.0							23.0	42.0	41.0	41.0	41.0	41.0	311.0
													L4						

POU Total Acres: 407.0

Conditions of Approval:

1. S46 The use of water for irrigation under this right may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. X36 Rights 2-7132, 2-10236, 2-10237, 2-10551 and 2-10552 are diverted through the point of diversion described above.
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.

85000

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/14/2017

Comments:

1. rsommer 12/14/2017 Split Right
WR 2-10237 was split creating WR 2-10552 to represent the new owners portion of the right.

2. rsommer 12/14/2017 POU
Updated Shape

3. rsommer 12/14/2017 POD
Updated Shape

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
31.710		
2-10236 ,2-10237 ,2-7132 ,2-10551 ,2-10552		

SubCase:

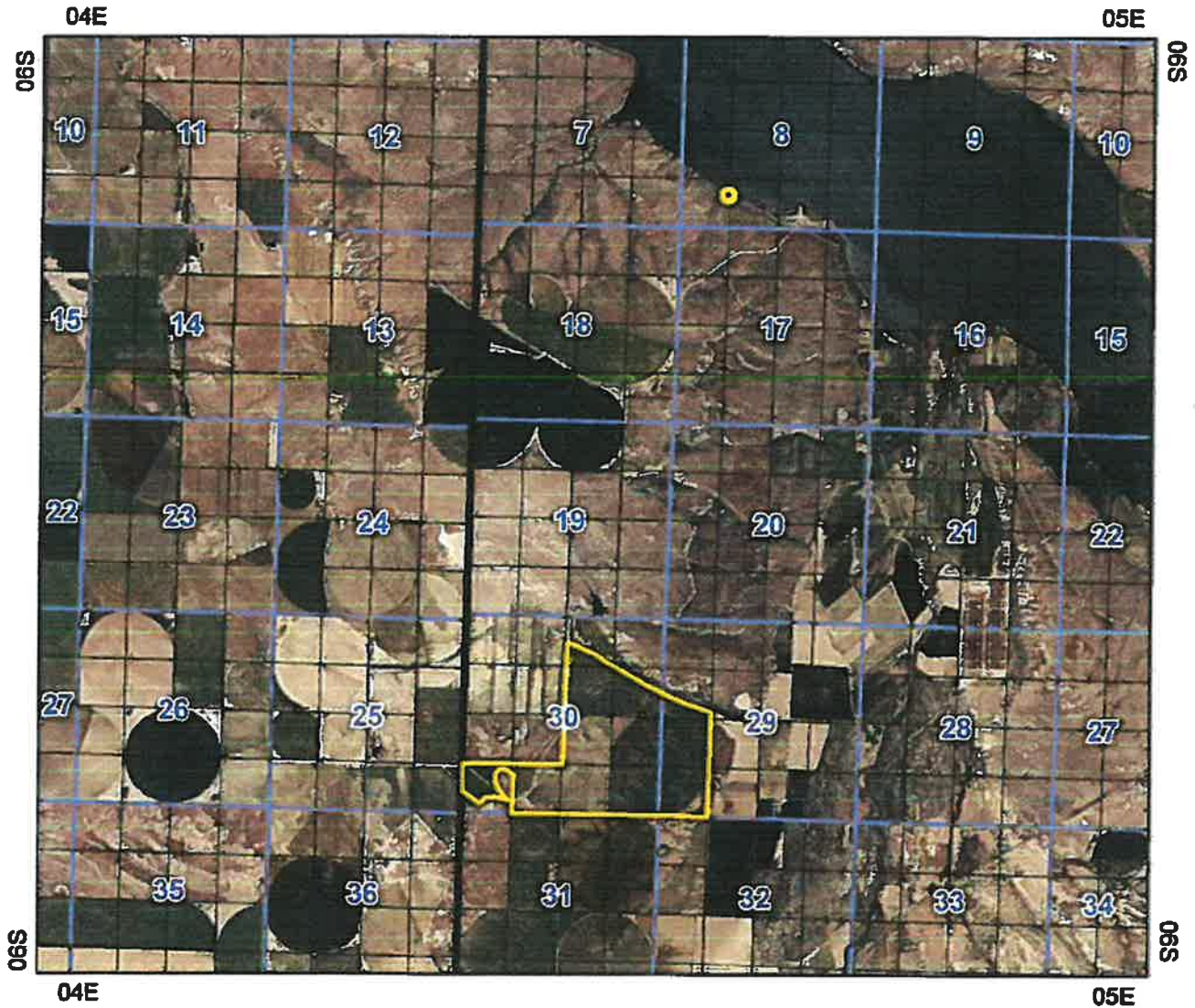
N/A

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources
Water Right License
2-10552

AFTER SPLIT



0 0.5 1 2 Miles

- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front St, Ste 648 • PO Box 83720 • Boise ID 83720 • www.idwr.idaho.gov
P: (208) 287-4800 • F: (208) 287-6700 • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 30, 2021

RUSSELL & KARLI SCHIERMEIER
29393 DAVIS RD
BRUNEAU ID 83604

Certified Mail

RE: Pending Notice of Violation ("PNOV")-Unauthorized Diversion and Use of Water
Case No. E2021-1706

Dear Water Users,

On April 7, 2017, the Idaho Department of Water Resources (Department) issued a letter of inquiry (copy enclosed) to Donald and Kristine Schiermeier regarding the apparent application of irrigation water outside the Place of Use (POU) authorized for water right 02-10552 (previously 02-10237). The Department evaluated the subject lands (Section 30 of Township 06 South, Range 05 East), and determined the subject lands remain irrigated without water right coverage.

The Department is providing this notice to make you aware that: 1) the Department concluded that 21 acres at the subject land were irrigated in 2020 without a valid water right; 2) there were no known authorizations in place that authorized the diversion of water to irrigate the 21 acres; and 3) the unauthorized diversion and use(s) of water are a violation of Idaho Code § 42-351.

Please contact me on or before May 15, 2021, if you are not the current owner/operator of the property, if you believe there is valid authorization for the excess irrigated acres and/or to discuss the Department's analysis. Subsequent to your response, the Department will determine whether to issue a formal Notice of Violation that may include civil penalties and mitigation requirements. You may contact me directly at 208-287-4944 or via email at cherie.palmer@idwr.idaho.gov. Your help in clarifying the issues above is appreciated.

Respectfully,

Cherie Palmer
Water Compliance Bureau

cc: Nick Miller-IDWR Western Region
Rob Whitney-Water District 02, Watermaster

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