

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85093**

This is to certify that: DONALD L SCHIERMEIER
KRISTINE S SCHIERMEIER
29393 DAVIS RD
BRUNEAU, ID 83604

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>
2-10237	WR/DECREED	2/3/1971	9.060 cfs	2265.0 af	N/A	453.0	SNAKE RIVER
51-2144	WR/DECREED	6/23/1958	0.960 cfs	230.0 af	N/A	46.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
2-10237	NO	NO	YES	NO	NO	NO
51-2144	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>
2-10237	2-10237	9.060 cfs	2265.0 af	N/A	453.0	N/A	N/A	N/A	N/A	N/A
51-2144	51-2144	0.960 cfs	230.0 af	N/A	46.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		10.060 cfs	2495.0 af	N/A	499.0		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 22nd day of April, 2022.


SCOTT STORMS, Water Rights Supervisor

WATER RIGHT NO. 51-2144**As Modified by Transfer No. 85093**

In accordance with the approval of Transfer No. 85093, Water Right No. 51-2144 is now described as follows:

Right Holder: DONALD L SCHIERMEIER AND/OR
KRISTINE S SCHIERMEIER
29393 DAVIS RD
BRUNEAU, ID 83604

Priority Date: 6/24/1958

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 10/31	0.960 cfs	230.0 af
			0.960 cfs	230.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNE Sec 31 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	31									16.0			30.0					46.0
											L 3		L 4						

POU Total Acres: 46.0

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.

Transfer No. 85093

WATER RIGHT NO. 51-2144

As Modified by Transfer No. 85093

CONDITIONS OF APPROVAL

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and 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 before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 06/23/1958



WATER RIGHT NO. 2-10237**As Modified by Transfer No. 85093**

In accordance with the approval of Transfer No. 85093, Water Right No. 2-10237 is now described as follows:

Right Holder: DONALD L SCHIERMEIER
KRISTINE S SCHIERMEIER
29393 DAVIS RD
BRUNEAU, ID 83604

Priority Date: 2/4/1971

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	9.060 cfs	2265.0 af
			9.060 cfs	2265.0 af

LOCATION OF POINT(S) OF DIVERSION

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

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	05E	30																	1.0
06S	05E	31	38.0	38.0	39.0	40.0	39.0			31.0	40.0	16.0		31.0	40.0	40.0	30.0	30.0	452.0
												L 3							

POU Total Acres: 453.0

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
2. 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.
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. Rights 2-7132, 2-10236, 2-10237, 2-10551 and 2-10552 are diverted through the point of diversion described above.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 85093

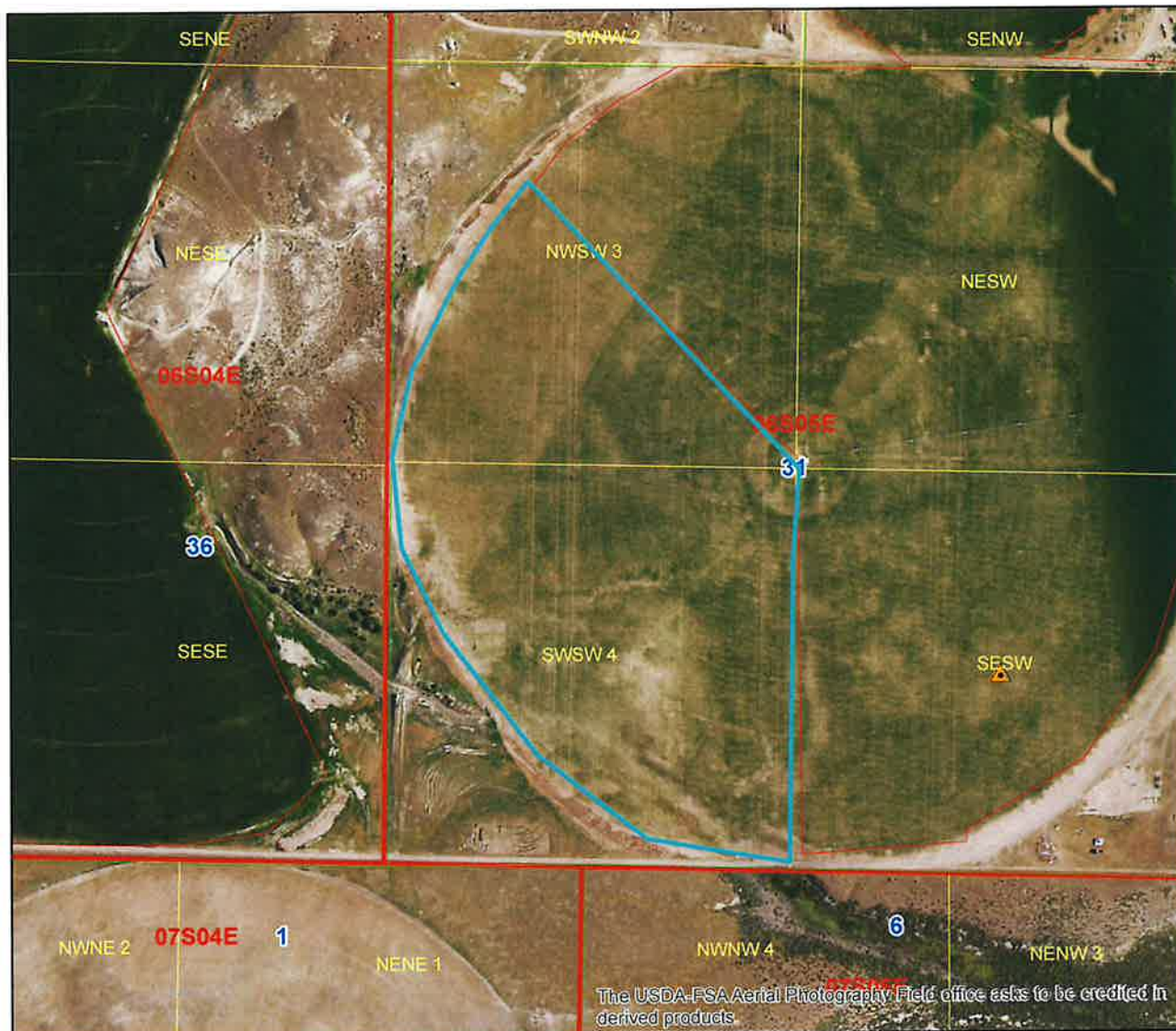
WATER RIGHT NO. 2-10237
As Modified by Transfer No. 85093

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and 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 before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 06/23/1958.

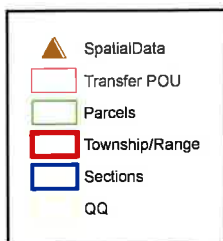
State of Idaho
Department of Water Resources
Attachment to Transfer No. 85093
Water Right: 51-2144

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.



The USDA-FSA Aerial Photography Field office asks to be credited in derived products

0 0.05 0.1 0.2 Miles





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 22, 2022

DONALD L SCHIERMEIER
29393 DAVIS RD
BRUNEAU ID 83604

KRISTINE S SCHIERMEIER
29393 DAVIS RD
BRUNEAU ID 83604

Re: Transfer No: 85093
Water Right No(s): 2-10237, 51-2144
Transfer Approval Notice

Dear Water Right Holder:

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

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

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

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

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

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

Sincerely,



Scott Storms
Water Rights Supervisor

Enclosure
CC:

RUSSELL N SCHIERMEIER
29393 DAVIS RD
BRUNEAU ID 83604-5046

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2022 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 85093
Water Right No(s): 2-10237, 51-2144

DONALD L SCHIERMEIER
29393 DAVIS RD
BRUNEAU ID 83604

KRISTINE S SCHIERMEIER
29393 DAVIS RD
BRUNEAU ID 83604

RUSSELL N SCHIERMEIER
29393 DAVIS RD
BRUNEAU ID 83604-5046



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. 85093
FROM: MARCELINA WILLIAMS
DATE: April 7, 2022
RE: Evaluation of Application

The purpose for transfer is to change the place of use (POU) to reflect shifts in the actual irrigated acres due to updates to the system from flood irrigation to preaurized pivot irrigation. The Transfer was initiated by enforcement action E2017-1141, and the proposed POU would bring the right into compliance with this enforcement action.

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:

IDWR records show the applicants Donald L. and/or Kristine S. Schiermeier are the current owners of water rights 51-2144 and 2-10237. The Owyhee county parcels show the Schiermeier Family Trust is the current owner of the parcel in which the water rights are located. Donald L. Schiermeier has signed and authorized Russell Schiermeier as the applicates representative.

Water Right Validity:

The partial decree for water rights 51-2144 and 2-10237 was issued on 12/01/2000 and 05/08/2009 respectively. These rights are presumed to be valid because aerial imagery shows no evidence that would indicate five or more consecutive years of non-use.

Injury to Other Water Rights:

Water right (WR) 51-2144 is within the Grand View-Bruneau Ground Water Management Area and WR 2-10237 is located within Water District 2. The proposal was submitted to the Watermaster of Water District 2, who did not oppose the Transfer. The quantity of water used and the points of diversion will not change with this transfer. No injury is anticipated.

Enlargement of Use:

The proposed changes will not result in an increase of diversion rate, volume, or acres irrigated. Enlargement does not appear to be an issue. The proposal was submitted for review to the enforcement coordinator at IDWR, who concurred that the changes to the POU would bring the rights into compliance with the enforcement action.

Local Public Interest:

This transfer is not anticipated to cause potential water quality issues, impact current land use requirements on non-private land or impact fish/wildlife resources. The proposed changes appear consistent with the local public interest.

Beneficial Use/Conservation of Water Resources:

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

Water Right Overlap

The overlapping water right is 51-2229 with the owner being the applicants. The POD is on BLM land.

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

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application for Transfer Nos. 85093 and 85098

Applicant's Name: Schiermeier

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application subject to comments below

_____ No water shall be diverted under this right after June 15* of each year without prior approval of the watermaster.

Other conditions: Subject to comments from IDWR enforcement coordinator, Cherie Palmer.

- c) _____ I oppose approval of this application for the following reasons:

- d) Additional comments: Transfers were likely filed in response to unauthorized use notification by IDWR enforcement staff. Please see email comments by C. Palmer. Recommend coordination between applicant, IDWR processing staff and Cherie Palmer to ensure transfers cover PU issues identified.

Dated this 17th day of August, 2021

Water District No: 2

Rob Whitney

Watermaster's signature

* Watermaster provided copy of this recommendation to the applicant regarding 6/15 curtailments.

RECEIVED

JUN 29 2021

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

85093

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) Donald and Kristine 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) Donald and Kristine 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 Russell Schiermeier Phone 208.989.2057
Mailing address 29393 Davis Road, Bruneau, Idaho 83604 Email buyhay@gmail.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.

Signature of Applicant or Authorized Representative

Donald Schiermeier

6.26.2021

Print Name and Title if applicable

Date

Russell Schiermeier

6.26.2021

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Is this a transfer for changes pursuant to [Idaho Code § 42-221.0.8?](#)
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**.
Correction of point of use due to change of irrigation system from gravity to low pressure pivot irrigation to promote conservation and water and energy efficiency. All land is owned by applicant, but being adjusted to fit irrigation practice.

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 ☐ ☒	51-2144	.96	irrigation	4/01 to 10/31	Groundwater
☐ ☒	2-10237	9.060	irrigation	03/01 to 10/15	Snake River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 10.02 cfs and/or 7,254.48 acre-feet.

2. Total amount of water proposed to be transferred or changed .996 cubic feet per second and/or 721.1 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	31	38.0	38.0	38.0	41	39		.9	29	41	15		31	41	29	7.6	31	7.6
06S	05E	31			24.1	41			4				8.5	4			3.4	5.4	42.2
06S	05E	31										16	30						46
06S	05E	30												1.1					

Total Acres (for irrigation use) 49.8

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:

Existing water meter is operational at POD

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

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

- 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:
no change

- 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:
irrigation only

- 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 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: 51-2144

[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]

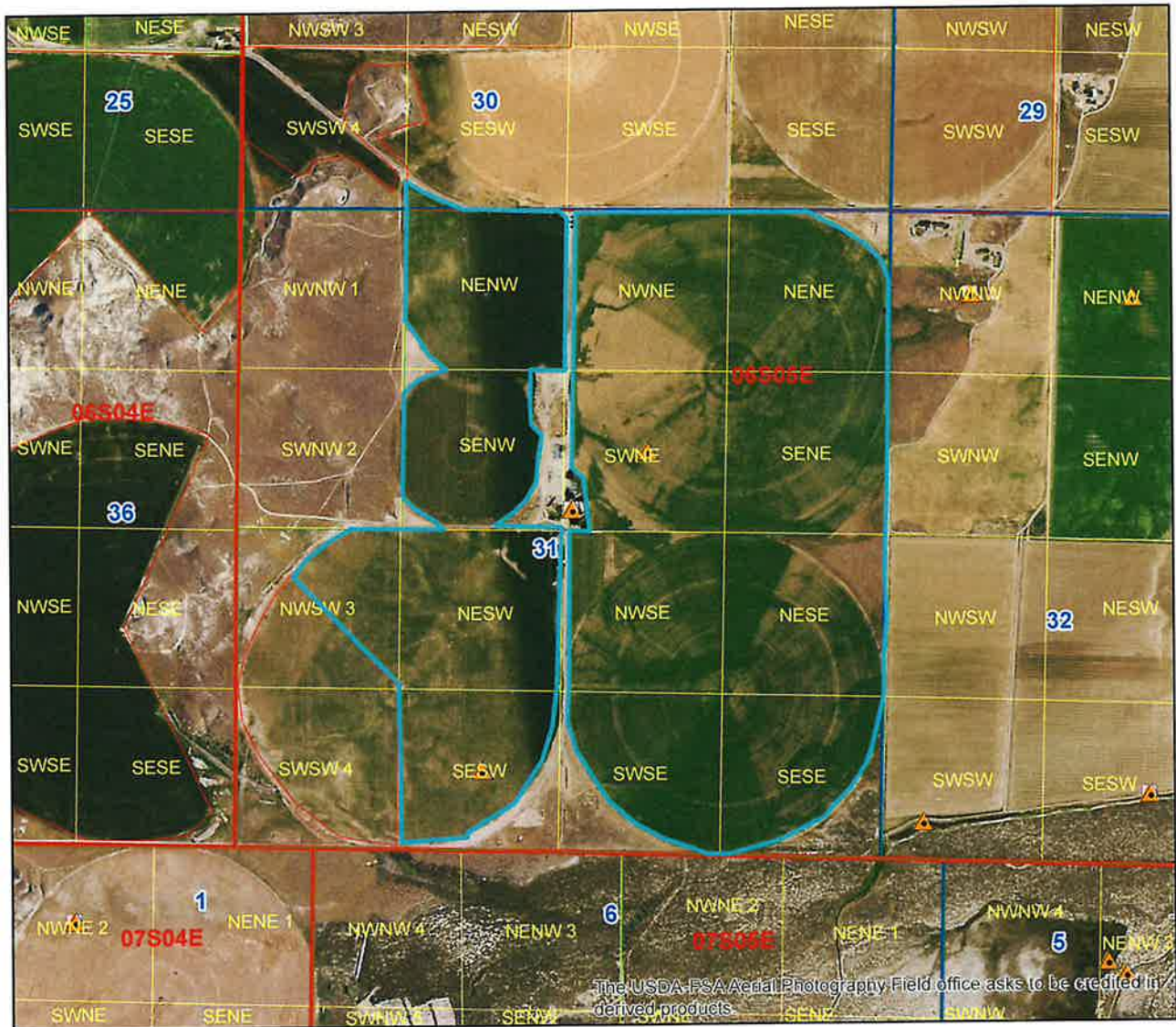
Total Acres (for irrigation use)	453
----------------------------------	-----

PH
2.1.2022

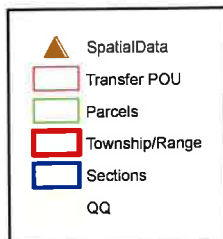
85093

State of Idaho
Department of Water Resources
Attachment to Transfer No. 85093
Water Right(s): 2-10237

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.

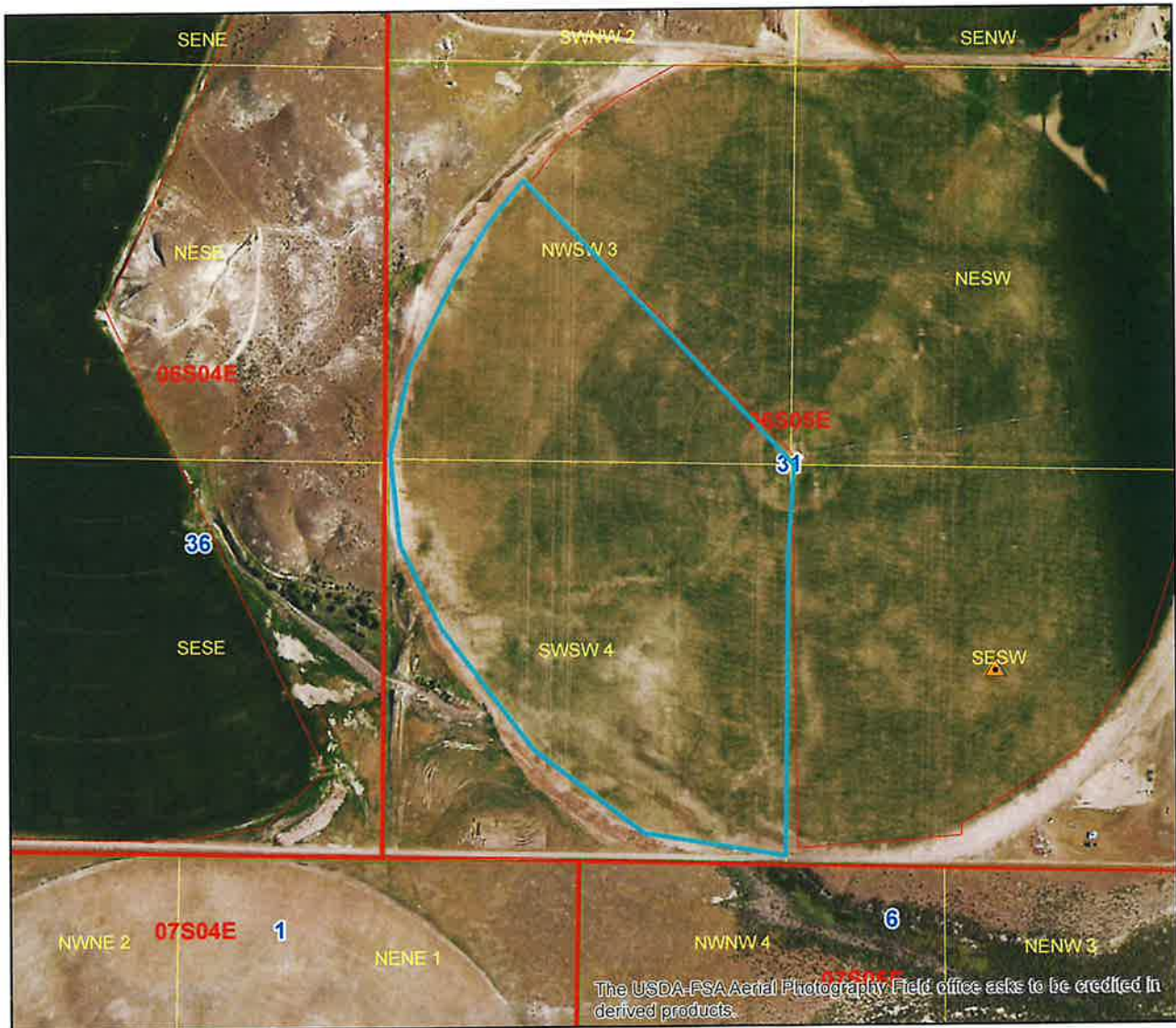


0 0.175 0.35 0.7 Miles

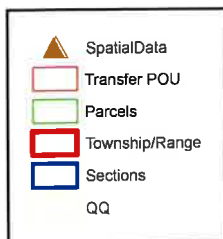


State of Idaho
Department of Water Resources
Attachment to Transfer No. 85093
Water Right: 51-2144

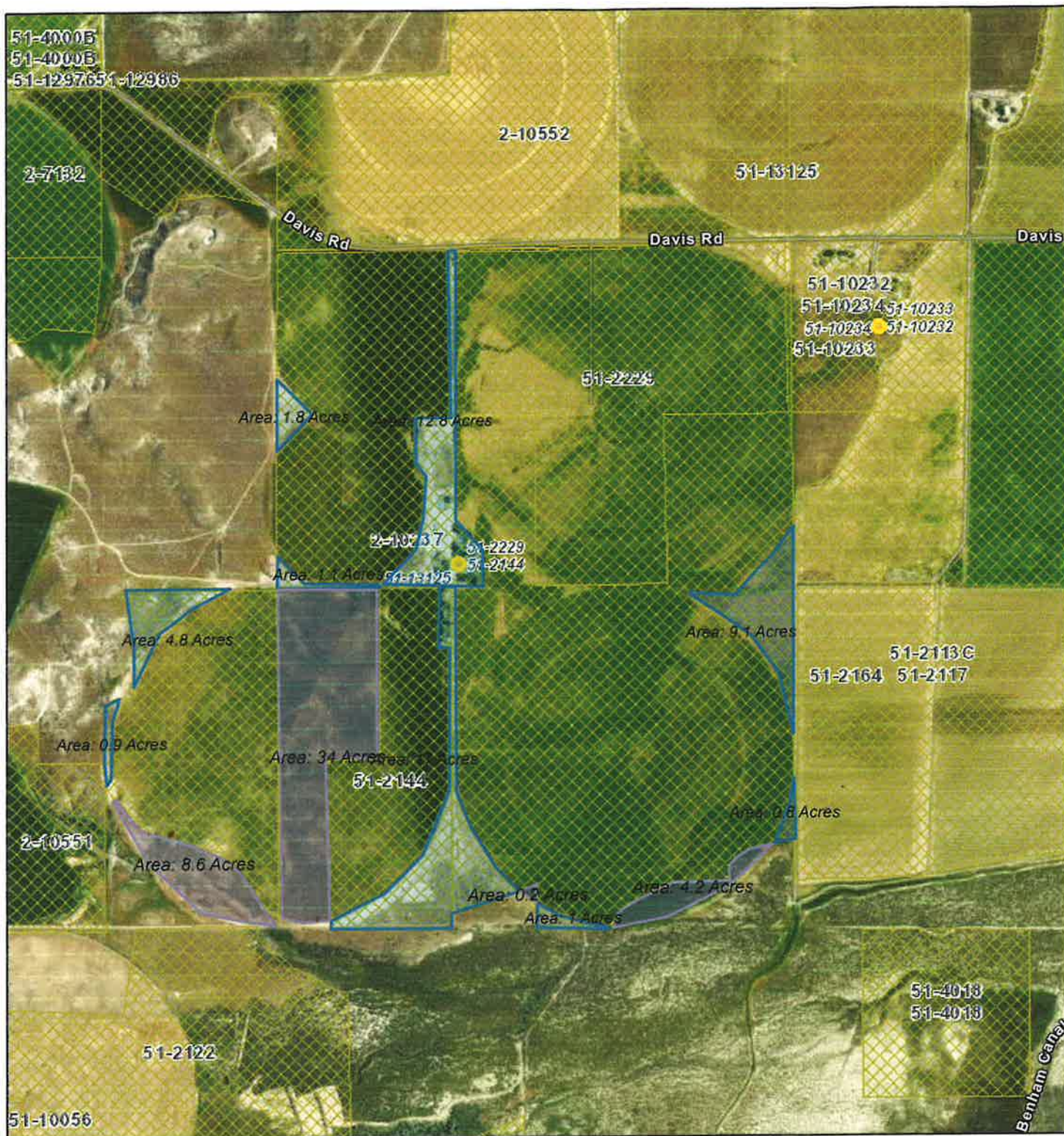
This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.05 0.1 0.2 Miles



Water Rights



6/10/2021, 10:58:12 AM

POU - Water Rights



All Other POU (non-provider)

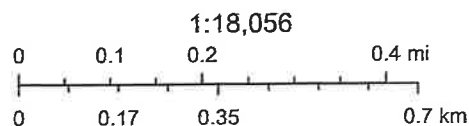


Irrigation Providers and Municipal Service Areas



POD - Water Rights

85093

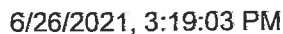


Source: Esri, USDA FSA, Esri Community Maps Contributors, Esri Canada, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus

Idaho Department of Water Resources

USGS TNM - National Hydrography Dataset. Data Refreshed April, 2021. | Idaho Department of Water Resources | Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS,

85093



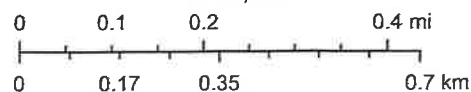
Section

POU - Water Rights

Irrigation Providers and Municipal Service Areas

☀️ POD - Water Rights

1:18,056



Source: Esri, USDA FSA, Idaho Department of Water Resources, Esri Community Maps Contributors, Esri Canada, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA. Source: Esri,

Idaho Department of Water Resources

USGS TNM – National Hydrography Dataset. Data Refreshed April, 2021. | Idaho Department of Water Resources | Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS,

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.

WATER RIGHT REPORT

6/26/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO: 51-2144

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONALD L SCHIERMEIER
Current Owner	KRISTINE S SCHIERMEIER 29393 DAVIS RD BRUNEAU, ID 83604
Original Owner	BLANCHE BINGHAM 614 N 5000 W WEST POINT, UT 84015 8018252459
Original Owner	RANDY S PORTER 914 N 5000 W WEST POINT, UT 84015 8018253126

Priority Date: 06/23/1958

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	4/01	10/31	0.96 CFS	230 AFA
Total Diversion			0.96 CFS	230 AFA

Location of Point(s) of Diversion:

GROUND WATER|SWNE|Sec. 31|Township 06S|Range 05E|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
06S	05E	31		NESW	17		SESW	29						

Total Acres: 46

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. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 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.

Dates:

Licensed Date:

Decreed Date: 12/01/2000

Permit Proof Due Date:

Permit Proof Made Date: 1/1/1900

Permit Approved Date:

Permit Moratorium Expiration Date:

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/OR

Water District Number: NWD

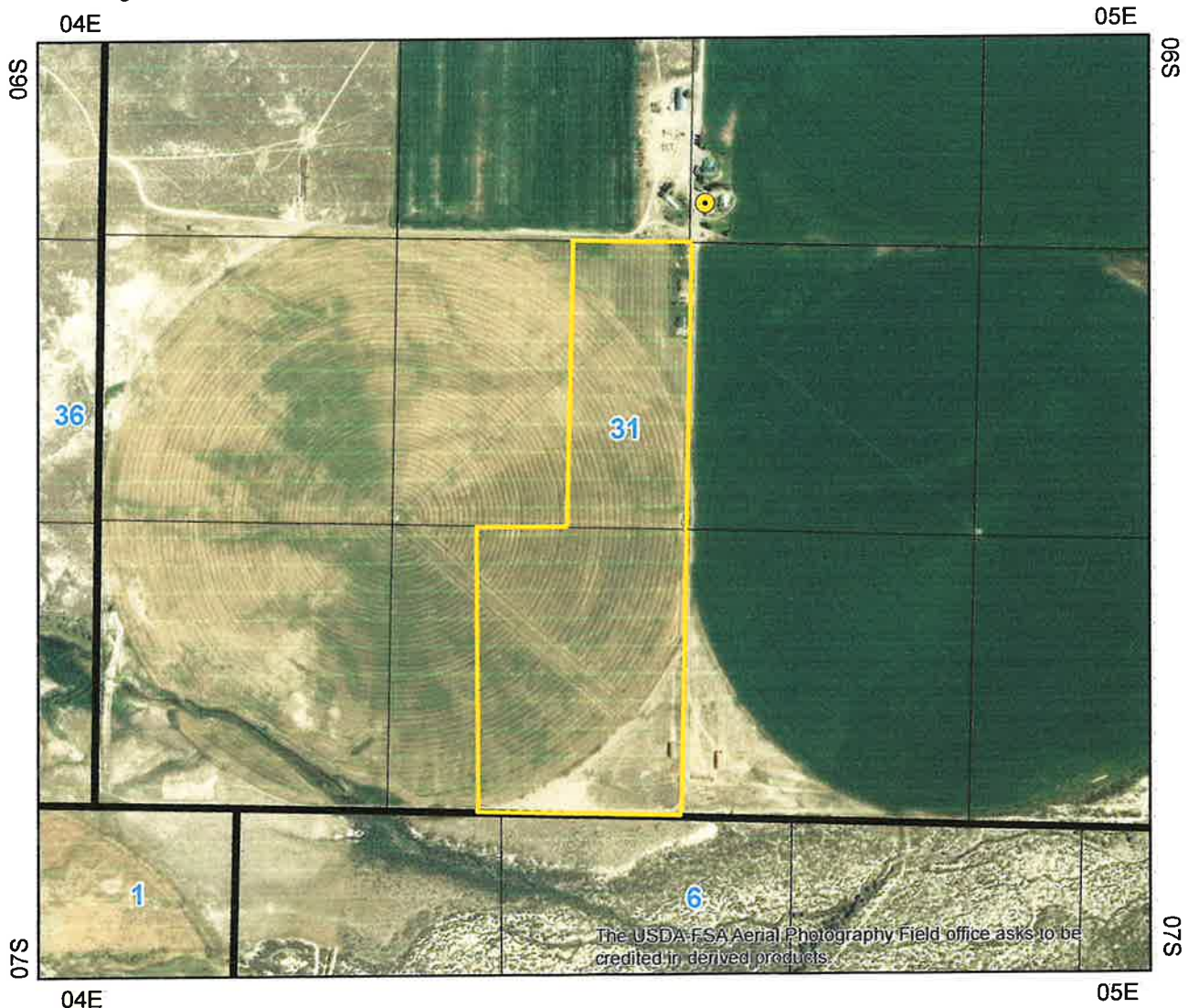
85093

State of Idaho
Department of Water Resources

Water Right
51-2144

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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

0 0.1 0.2 0.4 Miles

85093



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/14/2017

Water Right 2-10237

Owner Type **Name and Address**
Current Owner DONALD L SCHIERMEIER
29393 DAVIS RD
BRUNEAU, ID 83604

AFTER SPUT

Current Owner KRISTINE S SCHIERMEIER
29393 DAVIS RD
BRUNEAU, ID 83604

Priority Date: 2/3/1971

Basis: Decreed

Status: Active

Source
SNAKE RIVER

Tributary
COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	10/15	9.060 CFS	2,265.0 AF
	<u>Total Diversion</u>		9.060 CFS	2,265.0 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

			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	31	41.0	41.0	41.0	41.0	41.0			41.0		37.0	22.0		42.0	41.0	37.0	28.0	453.0
												L3	L4						

POU Total Acres: 453.0

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. X36 Rights 2-7132, 2-10236, 2-10237, 2-10551 and 2-10552 are diverted through the point of diversion described above.
3. 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.

85093

IDAHO DEPARTMENT OF WATER RESOURCES

12/14/2017

Proof Report

Water Right 2-10237

Owner Type **Name and Address**
 Current Owner DONALD L SCHIERMEIER
 29393 DAVIS RD
 BRUNEAU, ID 83604

BEFORE SPLIT

Current Owner KRISTINE S SCHIERMEIER
 29393 DAVIS RD
 BRUNEAU, ID 83604

Priority Date: 2/3/1971**Basis:** Decreed**Status:** Active

Source
 SNAKE RIVER

Tributary
 COLUMBIA RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/01	10/15	17.200 CFS	4,300.0 AF
	Total Diversion		17.200 CFS	4,300.0 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

			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							12.0			42.0	42.0						96.0
06S	05E	30		11.0	41.0	30.0							23.0 L4	42.0	41.0	41.0	41.0	41.0	311.0
06S	05E	31	41.0	41.0	41.0	41.0	41.0			41.0		37.0 L3	22.0 L4		42.0	41.0	37.0	28.0	453.0

POU Total Acres: 860.0

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. X36 Rights 2-10551, 2-10236, 2-10237, and 2-7132 are diverted through the point of diversion described above.
3. 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.

85093

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/14/2017

Comments:

1. srobischon 3/4/2005 split
Split from 2-7076; see Rights 2-10236 and 2-10237

Combined Use Limits

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

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/14/2017

Water Right 2-10237

Owner Type **Name and Address**
Current Owner DONALD L SCHIERMEIER
29393 DAVIS RD
BRUNEAU, ID 83604

AFTER SPUT

Current Owner KRISTINE S SCHIERMEIER
29393 DAVIS RD
BRUNEAU, ID 83604

Priority Date: 2/3/1971

Basis: Decreed

Status: Active

Source
SNAKE RIVER

Tributary
COLUMBIA RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/01	10/15	9.060 CFS	2,265.0 AF
	Total Diversion		9.060 CFS	2,265.0 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

			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	31	41.0	41.0	41.0	41.0	41.0			41.0		37.0	22.0		42.0	41.0	37.0	28.0	453.0
												L3	L4						

POU Total Acres: 453.0

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. X36 Rights 2-7132, 2-10236, 2-10237, 2-10551 and 2-10552 are diverted through the point of diversion described above.
3. 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/14/2017

Comments:

1. srobischo 3/4/2005 split
Split from 2-7076; see Rights 2-10236 and 2-10237
2. rsommer 12/14/2017 Split Right
WR 2-10237 was split creating WR 2-10552 to represent the new owners portion of the right.
3. rsommer 12/14/2017 POU
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:

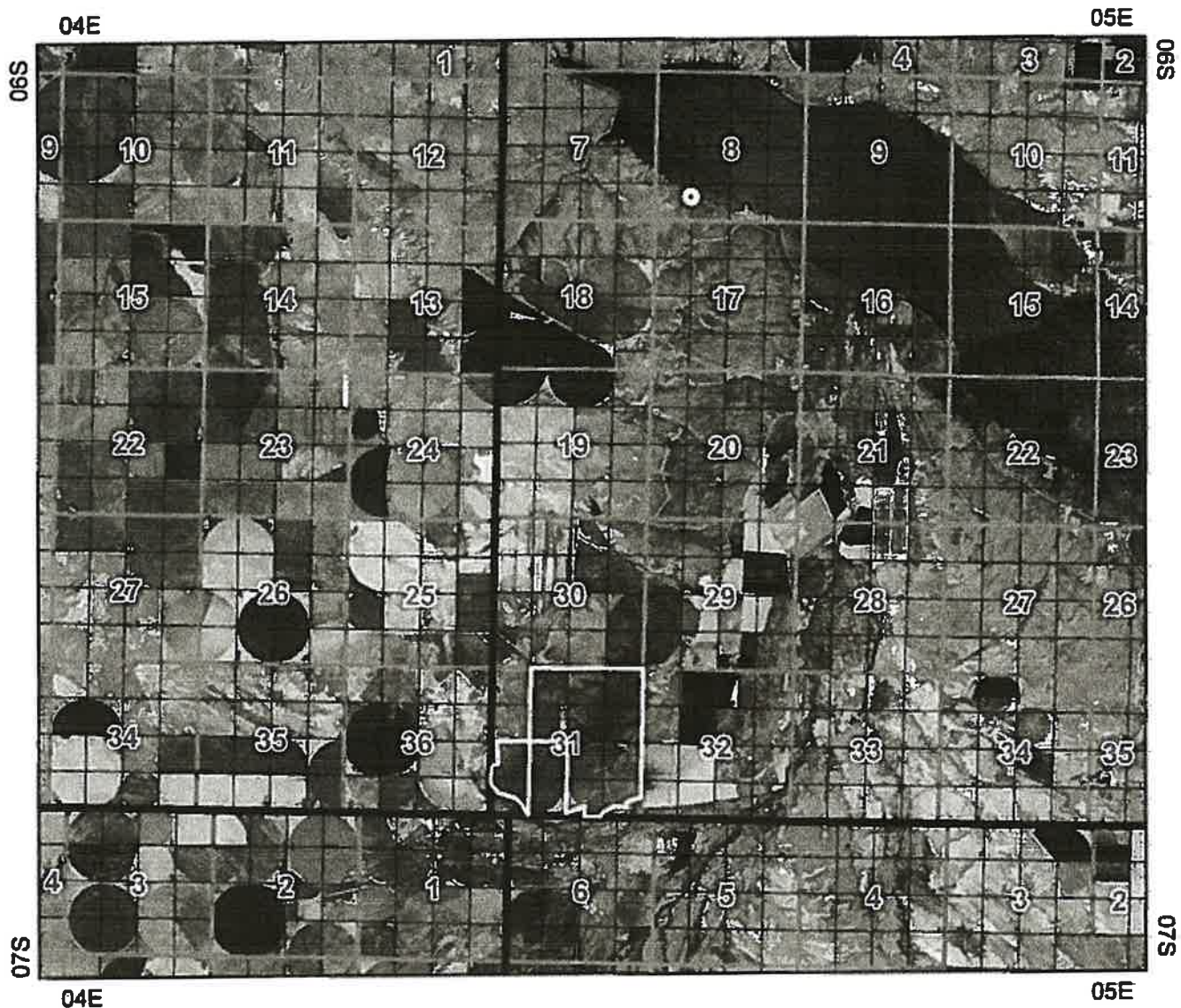
N/A

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources
Water Right License
2-10237

AFTER SPLIT



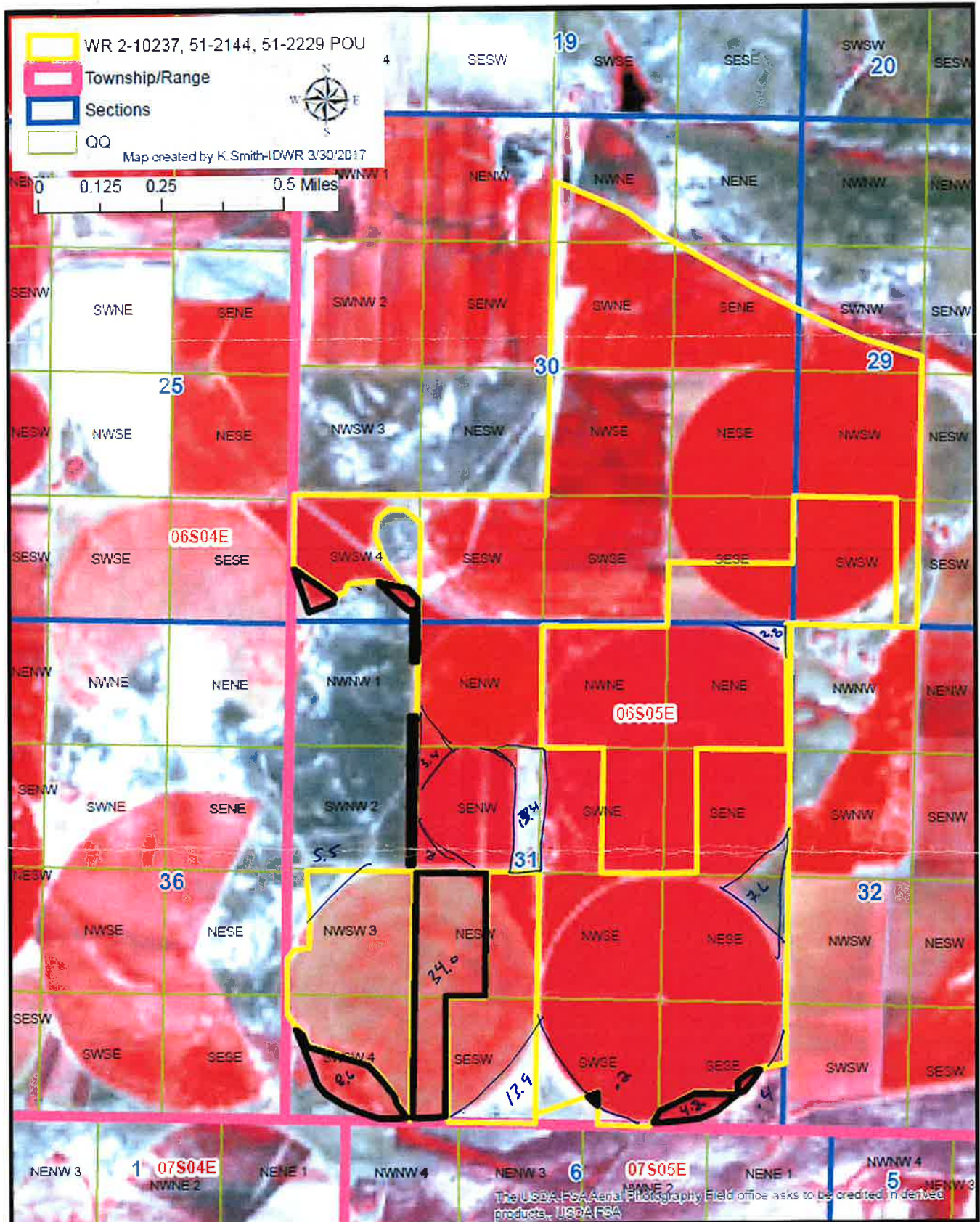
0 0.75 1.5 3 Miles

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



85093

SCHIERMEIER E2017-1141



2016 Sentinel Satellite Infrared Imagery overlain with water right authorized place of use (yellow) and those acres which fall outside the authorized place of use (black).