

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85283

This is to certify that: RUSTY ANDERSON
3202 RUSH CREEK RD
CAMBRIDGE, ID 83610-5106

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>
67-10311	WR/DECREED	5/15/1982	0.060 cfs	N/A	N/A	N/A	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>
67-10311	NO	YES	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>
67-10311	67-10311	0.060 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.060 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 16th day of November, 2021.


NICK MILLER, Western Regional Manager

Transfer No. 85283

WATER RIGHT NO. 67-10311**As Modified by Transfer No. 85283**

In accordance with the approval of Transfer No. 85283, Water Right No. 67-10311 is now described as follows:

Right Holder: RUSTY ANDERSON
3202 RUSH CREEK RD
CAMBRIDGE, ID 83610-5106

Priority Date: 5/15/1982

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
DOMESTIC	1/01	to 12/31	0.040 cfs
STOCKWATER	1/01	to 12/31	0.020 cfs
			0.060 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSE Sec 22 Twp 15N Rge 03W WASHINGTON County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	03W	22															X		

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	03W	22															X		

CONDITIONS OF APPROVAL

1. The quantity of water under this right shall not exceed 13,000 gallons per day.
2. The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. Stockwater, 50 range cattle
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 85283

WATER RIGHT NO. 67-10311
As Modified by Transfer No. 85283

CONDITIONS OF APPROVAL

6. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



State of Idaho
Department of Water Resources
Attachment to Transfer No. 85283
67-10311

This map depicts the STOCKWATER & DOMESTIC 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.

03W



0 0.05 0.1 0.2 Miles

- Transfer POD
- Transfer POU
- Townships
- PLS Sections
- Quarter Quarters



RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

857283

AUG 23 2021

WATER RESOURCES
WESTERN REGIONMINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s)

RUSTY ANDERSON

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

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

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

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

RECEIVED

AUG 23 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESWATER RESOURCES
WESTERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) RUSTY ANDERSON Phone 208-257-3590
 Mailing address 3202 RUSH CREEK RD. Cambridge, ID. 83610 Email randerson@ctcweb.net

- ☐ 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.

Rusty Anderson
 Signature of Applicant or Authorized Representative

RUSTY ANDERSON
 Print Name and Title if applicable

8/9/21
 Date

 Signature of Applicant or Authorized Representative

 Print Name and Title if applicable

 Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other CHANGE OWNERSHIP
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**.

The original Pod and POD were not entered in
IDWR Records from the way Smilers report. Due
to a clerical error.

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
☒ ☐	67-10311	.02 cfs	Stock water	1/01 to 12/31	Ground Water
☒ ☐	67-10311	.04 cfs	Domestic	1/01 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .06 cfs and/or 1 acre-feet.

2. Total amount of water proposed to be transferred or changed .06 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	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
yes		SW	SW	SE	22	15N	3W	Washington	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

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

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	3W	22															X		10
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Domestic Well - 1 1/2 H.P. Pump

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

Rusty ANDERSON

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: N/A

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:

A Paper Work Change Only, to correct Clerical error.

- 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:

AP N/A

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

Yes No

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

If yes, describe:

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

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

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

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

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

B. CHANGES IN NATURE OF USE (Water Balance)

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

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by CS Date 08/23/2021 Preliminary check by _____ Date _____

Fee paid \$200⁰⁰ Date 08/23/2021 Received by CJ Receipt # W049724

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment*WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Instrument # 245951
STATE OF IDAHO, COUNTY OF WASHINGTON
-16-2021 04:25:40 PM No. of Pages: 2
Recorded for : PAUL POORMAN
JONNA ATWOOD Fee: 15.00
Ex-Officio Recorder Deputy
Index to: DEED

Attachment 2a
~~ATTACHMENT #2a~~ ^{OK} ff
QUITCLAIM DEED 245951

FOR VALUE RECEIVED, PAUL & GAYLE B. POORMAN, Grantor, does hereby convey, release, remise and forever quitclaim unto RUSTY ANDERSON, whose address is 3202 RUSH CR. RD, CAMBRIDGE, ID 83410, the following

described premises, to-wit:
1DWR WEISER RIVER BASIN WATER RIGHT
67-10311. THE LEGAL DESCRIPTIONS OF
THE ATTACHED PROPERTIES ARE ATTACHED.
NO REAL PROPERTY WILL CHANGE
HANDS THROUGH THIS DEED.

EXHIBIT A
WASHINGTON county. IDAHO

Together with the appurtenances.
This deed is intended to convey to the Grantee all right, title, and interest of the Grantor in and to said property, now owned or hereafter acquired.

Date SEPTEMBER 1, 2021.
Paul & Gayle B. Poorman
Signature, Grantor

STATE OF IDAHO)
County of Ada) ss.

On this 13 day of August, 2021, before me, the undersigned, a Notary Public in and for said state, personally appeared Paul & Gayle Poorman, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that s/he executed the same.

BRADLEY ANTHONY HOLSTEIN
Notary Public - State of Idaho
Commission Number 20213430
My Commission Expires Jul 21, 2027

Bradley Anthony Holstein
NOTARY PUBLIC for Idaho
Residing at: Ada County
My Commission Expires: Jul 21, 2027

Part 2A Report

Close

IDAHO DEPARTMENT OF WATER RESOURCES Water Right Report

04/23/2008

WATER RIGHT NO. 67-10311

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DEBRA R UNDERWOOD
Current Owner	JAMES P UNDERWOOD
	22022 COLUMBIA CREST DR
	SONORA, CA 95370
	(209)588-1391
Original Owner	CARROLL P KEMP
	PO BOX 111
	CAMBRIDGE, ID 83610
	(208)257-3885

Priority Date: 05/15/1982

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>
STOCKWATER	1/01	12/31	0.02 CFS	
DOMESTIC	1/01	12/31	0.04 CFS	
Total Diversion			0.06 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SENWSE	Sec. 22	Township 15N	Range 03W	WASHINGTON County
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Place(s) of use:

Place of Use Legal Description: STOCKWATER WASHINGTON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
15N	03W	22		NWSE										

Place of Use Legal Description: DOMESTIC WASHINGTON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
15N	03W	22		NWSE										

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.	N13	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3.	N11	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4.		STOCKWATER, 50 RANGE CATTLE PARCEL NO. RP 005184 A

Dates:

Licensed Date:

Decreed Date: 12/08/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 67

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Received: 10/11/05 1:18PM;

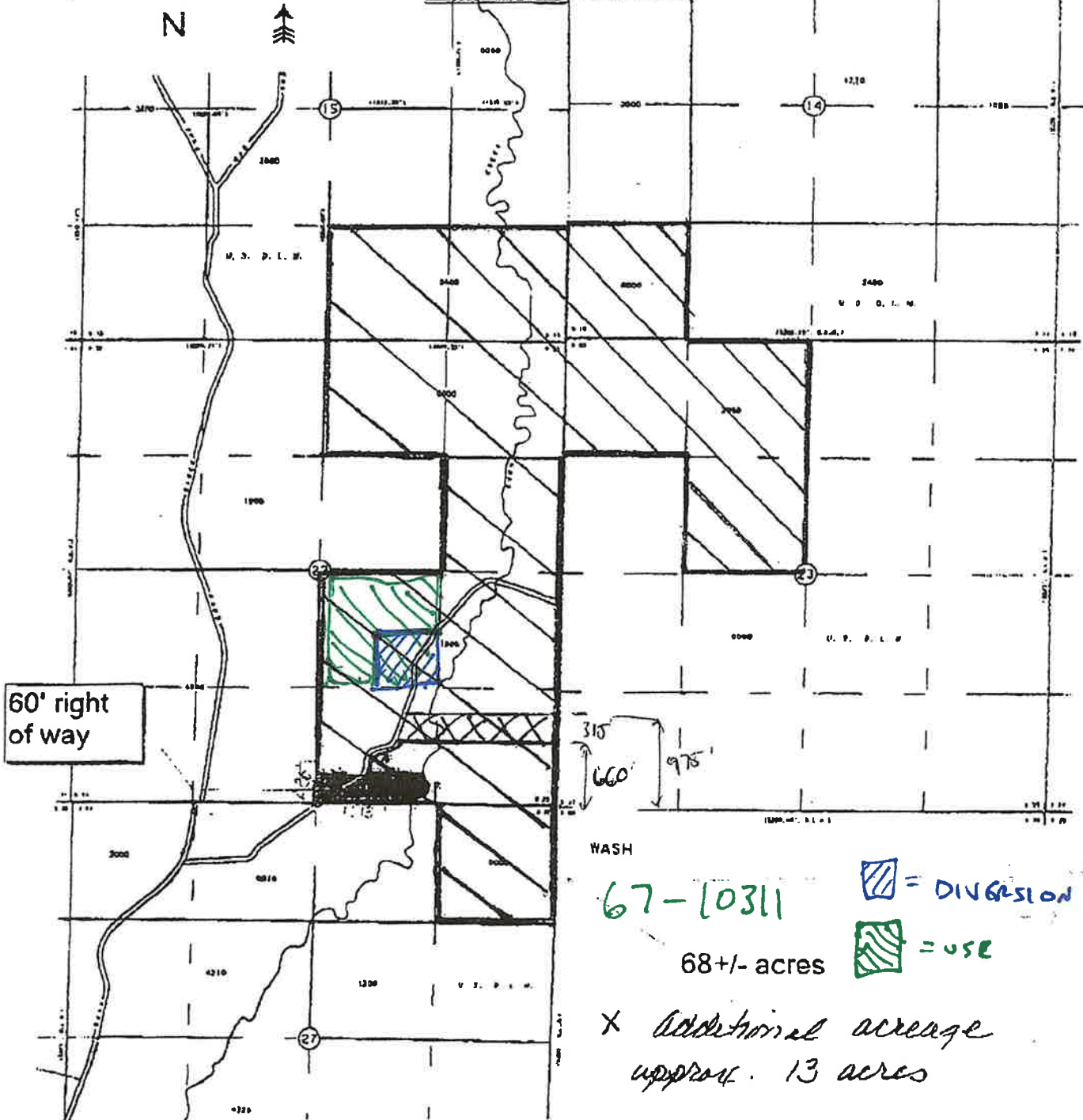
2084141487 -> HEARTLAND REALTY; Page 2

10/11/2005 11:52 2084141487

WASH

PAGE 02

This plat is made solely for the purpose of assisting in locating the land and Washington County Title Co. assumes no liability for variations, if any, with actual survey.



WASH

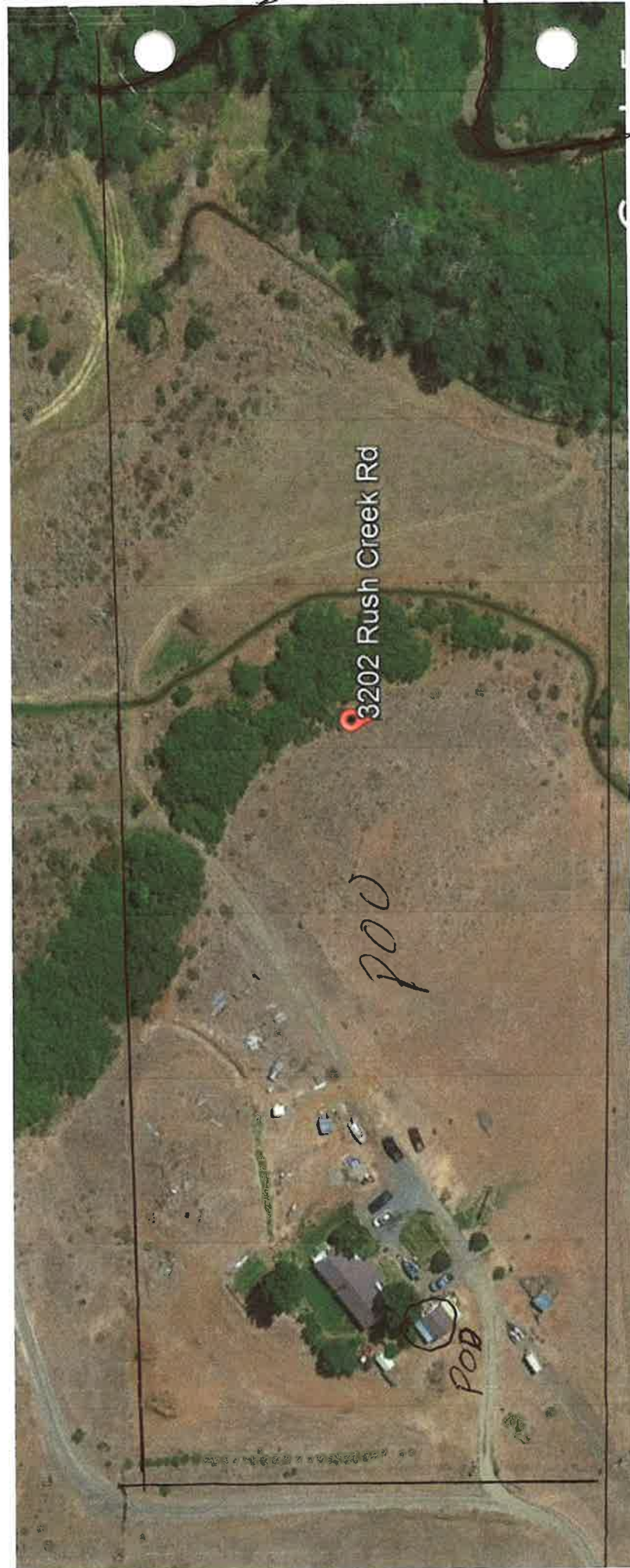
There are no water rights to be transferred.

SHOULD BE:

SW SW SE / SEC 22

ATTACHMENT

7a AND 7b



USE TYPEWRITER OR
BALL POINT PEN

State of Idaho
Department of Water Resources

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

days after the completion of the well.

1. WELL OWNER

Name CARROLL KEMP
 Address CAMBRIDGE, IDAHO
 Owner's Permit No. _____

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Other (specify type) _____
☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

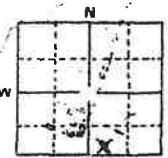
4. METHOD DRILLED

☐ Cable ☒ Rotary ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Diameter of hole 8 inches Total depth 245 feet
 Casing schedule: ☒ Steel ☐ Concrete
 Thickness Diameter From To
250 inches 8 inches + 1 feet 23 feet
 _____ inches _____ inches _____ feet _____ feet
 _____ inches _____ inches _____ feet _____ feet
 _____ inches _____ inches _____ feet _____ feet
 _____ inches _____ inches _____ feet _____ feet
 Was casing drive shoe used? ☒ Yes ☐ No
 Was a packer or seal used? ☐ Yes ☒ No
 Perforated? ☐ Yes ☒ No
 How perforated? ☐ Factory ☐ Knife ☐ Torch
 Size of perforation _____ inches by _____ inches
 Number From To
 _____ perforations _____ feet _____ feet
 _____ perforations _____ feet _____ feet
 _____ perforations _____ feet _____ feet
 Well screen installed? ☐ Yes ☒ No
 Manufacturer's name _____
 Type _____ Model No. _____
 Diameter _____ Slot size _____ Set from _____ feet to _____ feet
 Diameter _____ Slot size _____ Set from _____ feet to _____ feet
 Gravel packed? ☐ Yes ☒ No Size of gravel _____
 Placed from _____ feet to _____ feet
 Surface seal depth 18 Material used in seal ☒ Cement grout
☐ Pudding clay ☐ Well cuttings
 Sealing procedure used ☐ Sherry pit ☒ Temporary surface casing
☐ Overbore to seal depth

6. LOCATION OF WELL

Sketch map location must agree with written location.

 Subdivision Name _____
 Lot No. _____ Block No. _____
 County WASHINGTON
SW 1/4 SE 1/4 Sec. 22 T. 15 N. R. 3 E. W.

7. WATER LEVEL

Static water level 120 feet below land surface
 Flowing? ☐ Yes ☒ No G.P.M. flow _____
 Temperature 62 ° F. Quality _____
 Artesian closed-in pressure _____ p.s.i.
 Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☐ Bailor ☒ Other AIR TEST
 Discharge G.P.M. Draw Down Hours Pumped
10 GPM STEM AT 240 Ft 1 HOUR

9. LITHOLOGIC LOG

85997

Hole Diam.	Depth		Material	Water Yes/No
	From	To		
8"	0	1	Top Soil	X
	1	12	Fractured Rock	X
	12	20	Black Rock	X
	20	32	Red Rock	X
	32	39	Black Rock	X
	39	46	Yellow Clay	X
	46	54	Green Soft Rock	X
	54	61	Black Rock	X
	61	68	Orange Clay	X
	68	72	Black Rock	X
	72	77	Green Rock	X
	77	120	Black Rock	X
	120	128	Red Rock	X
	128	140	Black Rock	X
	140	146	Yellow Clay	X
	146	180	Black Rock	X
	180	200	Red Rock	X
	200	245	Black Rock W/B	X

10.

Work started 5/18/82 finished 5/21/82

11. DRILLERS CERTIFICATION

Firm Name PAGE BROS DRILLING Firm No. 225
 Address RT 2 BOX 4045 VAB, OR Date 6/14/82
 Signed by (Firm Official) [Signature]
 and
 (Operator) [Signature]
541-473-2193

230300

Instrument # 230300

STATE OF IDAHO, COUNTY OF WASHINGTON

3-1-2016 04:00:00 PM No. of Pages: 3

Recorded for : WASHINGTON COUNTY TITLE

BETTY J THOMAS Fee: 16.00

Ex-Officio Recorder Deputy *John McCall*

Index to: DEED

TRUSTEE DEED

THIS TRUSTEE DEED, made by Carroll P. Kemp and Barbara R. Kemp, as Trustees of the KEMP FAMILY TRUST dated November 13, 1991, the Grantor herein, for valuable consideration, does hereby sell and convey to RUSTY ANDERSON, the Grantee herein, whose address is: 3202 Rush Creek Rd., Cambridge, ID 83610, all their interest as Trustees in the following described real estate situated in Weiser, Washington County, Idaho, to-wit:

TOWNSHIP 15 NORTH, RANGE 3 WEST OF THE BOISE MERIDIAN:

See Attached Legal Description

EXECUTED this 27th day of February, 2006

Carroll P. Kemp

Carroll P. Kemp, Trustee of the
Kemp Family Trust

Barbara R. Kemp

Barbara R. Kemp, Trustee of the
Kemp Family Trust

STATE OF NEBRASKA)

: ss

County of Stanton)

On this 27th day of February, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Carroll P. Kemp and Barbara R. Kemp, known to me, or proved to me on the oath of _____, to be the persons whose name is subscribed to the foregoing instrument as Trustees of the Kemp Family Trust dated November 13, 1991, and acknowledged to me that they executed the same for and on behalf of said trust.

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



Myrthalean M. Novotny
Notary Public for Nebraska
Residing at *Stanton, NE*
Commission Expires: *June 25, 2008*



Legal Description to Trustee Deed

A parcel of land situated within the SW1/4SE1/4 of Section 22, Township 15 North, Range 3 West, Boise Meridian, Washington County, Idaho, which parcel of land is more particularly described as follows:

Beginning at the southwest corner of the SW1/4SE1/4 of Section 22, T.15N., R.3W., B.M.;

Thence N 0°24'20"E, a distance of 385.65 feet along the west line of said SW1/4SE1/4;

Thence S 89°38'16"E, parallel to the south line of said SW1/4SE1/4, a distance of 1082.20 feet to a point in the center of Rush Creek;

Thence S 18°15'47"E, a distance of 49.74 feet along the center of Rush Creek;

Thence S 39°07'59" E, a distance of 175.29 feet along the center of Rush Creek;

Thence S 4°10'10"W, a distance of 95.63 feet along the center of Rush Creek;

Thence S 82°54'47"W, a distance of 94.73 feet along the center of Rush Creek;

Thence N 74°38'23"W, a distance of 60.07 feet along the center of Rush Creek;

Thence S 19°55'36"W, a distance of 47.79 feet along the center of Rush Creek;

Thence S 4°55'20"E, a distance of 66.35 feet along the center of Rush Creek to a point on the south line of said SW1/4SE1/4;

Thence N 89°38'16"W, a distance of 1041.66 feet along the south line of said SW1/4SE1/4 to the point of beginning.

TOGETHER WITH AND SUBJECT TO a 60.00 foot wide ingress-egress easement within the SE1/4SW1/4 of Section 22, Township 15 North, Range 3 West, Boise Meridian, Washington County, Idaho, which easement is more particularly described as follows:

Beginning at the southeast corner of the SE1/4SW1/4 of Section 22, T.15N., R.3W., B.M.;

Thence N 0°24'20"E (North, of record Warranty Deed, Inst. No. 200382), a distance of 60.00 feet along the east line of said SE1/4SW1/4;

Thence N 89°13'09"W (West, of record Warranty Deed, Inst. No. 200382) along a line parallel to and 60.00 feet north of the south line of said SE1/4SW1/4, a distance of 1242.21 feet to a point in the center of Rush Creek Road;

continued ...

Thence S 7°44'35"W (southerly, of record Warranty Deed, Inst. No. 200382), a distance of 60.44 feet along the centerline of said Rush Creek Road to a point on the south line of said SE1/4SW1/4;

Thence S 89°13'09"E (East of record Warranty Deed, Inst. No. 200382), a distance of 1249.93 feet along the south line of said SE1/4SW1/4 to the point of beginning.

Said easement being SUBJECT TO the right-of-way of said Rush Creek Road.

File No. 0013229

EXHIBIT A

TOWNSHIP 15 NORTH, RANGE 3 WEST OF THE BOISE MERIDIAN, WASHINGTON COUNTY, IDAHO:

PARCEL ISection 14: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15: S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 22: SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;

SAVE AND EXCEPT a parcel of land situated within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 15 North, Range 3 West, Boise Meridian, Washington County, Idaho, which parcel of land is more particularly described as follows:

Beginning at the southeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, T.15N., R.3W., B.M.;

Thence N 0°09'53"E, a distance of 1020.20 feet along the East line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence N 89°38'16"W, parallel to the South line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$, a distance of 730.88 feet;

Thence N 60°40'57"W, a distance of 197.87 feet;

Thence N 87°29'40"W, a distance of 89.58 feet;

Thence S 48°50'01" W, a distance of 149.54 feet;

Thence N 89°38'16"W, parallel to the south line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$, a distance of 612.81 feet to a point within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 22, which point is on the easterly boundary of a 60.00 foot wide Ingress-egress easement, said easement being more particularly described below;

Thence S 16°08'04"W, a distance of 218.23 feet along the easterly boundary of said easement;

Thence S 22°26'39"W, a distance of 117.92 feet along the easterly boundary of said easement;

Thence S 37°42'33"W, a distance of 83.75 feet along the southeasterly boundary of said easement;

Thence S 57°22'55"W, a distance of 105.03 feet along the southeasterly boundary of said easement;

Thence S 82°27'17"W, a distance of 103.44 feet along the southerly boundary of said easement;

Thence S 57°14'54"W, a distance of 29.21 feet along the southeasterly boundary of said easement;

Thence S 7°06'07"W, a distance of 29.41 feet along the easterly boundary of said easement;

Thence S 1°46'24"E, a distance of 72.09 feet along the easterly boundary of said easement;

Thence S 4°05'52"W, a distance of 60.20 feet along the easterly boundary of said easement;

Thence N 89°38'16" W, a distance of 547.58 feet to a point on the West line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence S 0°24'20" W, a distance of 385.65 feet along the West line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ to the southwest corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence S 89°38'16" E, a distance of 2643.86 feet along the South line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 22 to the point of beginning.

14 G209355



Governor Brad Little

Director Gary Spackman

November 16, 2021

RUSTY ANDERSON
3202 RUSH CREEK RD
CAMBRIDGE ID 83610-5106

RE: Transfer No: 85283
Water Right No.: 67-10311

Transfer Approval Notice

Dear Water Right Holders 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 concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,


DENISE LAUERMAN

for Nick Miller
Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2021, I served a true and correct copy of the foregoing PRELIMINARY ORDER (Approved Transfer) by U.S. Mail, postage prepaid, to the following:

Re: Transfer No.: 85283
Water Right No.: 67-10311

RUSTY ANDERSON
3202 RUSH CREEK RD
CAMBRIDGE ID 83610-5106



Denise Lauerman
Administrative Assistant

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. 85283

FROM: Anna Kaiser

DATE: September 17, 2021

RE: Evaluation of Application

The transfer proposes updating IDWR's documentation to reflect the true place of use and point of diversion of water right 67-10311 in the SWSE quarter-quarter of Township 15N, Range 03W, Section 22. Transfer also includes documentation to change ownership of right 67-10311 to applicant.

The site is located just west of Rush Creek and just east of Rush Creek Rd, approximately 2.5 miles north of the intersection of Rush Creek Rd. and State Hwy. 71.

Contact person is applicant Rusty Anderson, 3202 Rush Creek Rd, Cambridge, Idaho 83610. 208-257-3590. randerson@ctcweb.net.

The appropriate change in ownership documentation was included with this transfer to change the ownership of water right 67-10311 from Poorman to Rusty Anderson. Right 67-10311 will be placed into Rusty Anderson's name upon approval of this transfer.

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:

In accordance with the enclosed documentation of ownership, Rusty Anderson is the legal owner of right 67-10311. Rusty Anderson also owns the property associated with the correct POD and POU of the right.

Paul and Gale Poorman own the property associated with the original POD and POU description. The Poormans quitclaimed water right 67-10311 to Rusty Anderson. Copies of the quitclaim documentation are enclosed with the transfer application.

Water Right Validity:

The partial decree for water rights no. 67-10311 was issued on 12/8/2000. The 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. Beneficial use for stock water and domestic use is more difficult to determine based on imagery, but no evidence suggest beneficial use for this right is in question.

Injury to Other Water Rights & Enlargement of Use:

The transfer only proposes to change the legal description in Department documentation. The transfer will result in no physical change to right 67-10311 and therefore is not expected to injure local water rights, nor is it at risk of enlargement.

Local Public Interest:

Application proposes a change consistent with the local public interest.

Beneficial Use/Conservation of Water Resources:

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

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

Discussion

Since the transfer proposes a change in the legal description to the Department's documentation as described by section 42-2218(0) of Idaho Code, evidence demonstrating the correction must be provided. Water right 67-10311 is a domestic and stock water right. The Department's GIS aerial imagery dating back to 1987 shows no house in the NWSE quarter-quarter. It does, however, show a house on Rusty Anderson's property in the SWSE quarter-quarter. Furthermore, the well construction record from 1982 describes the well associated with water right 67-10311 in the SWSE quarter-quarter. Based on the Department's aerial imagery and well construction records, we can affirm the proposed change.