

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84724**

This is to certify that: AUSTIN CALLISON
481 S ACADEMY LN
EAGLE, ID 83616-7470

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>
3-4005	WR/DECREED	1/15/1907	0.240 cfs	N/A	N/A	12.0	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>
3-4005	NO	YES	NO	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>
3-4005	3-4005	0.240 cfs	N/A	N/A	12.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.240 cfs	N/A	N/A	12.0		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 1st day of October, 2021.


Cody Parker, Water Rights Supervisor

WATER RIGHT NO. 3-4005
As Modified by Transfer No. 84724

In accordance with the approval of Transfer No. 84724, Water Right No. 3-4005 is now described as follows:

Right Holder: AUSTIN CALLISON
 481 S ACADEMY LN
 EAGLE, ID 83616-7470

Priority Date: 1/15/1907

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
 IRRIGATION

From 03/01 **To** 11/15

Diversion Rate
 0.240 cfs
 0.240 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER SESW Sec 17 Twp 10N Rge 05W WASHINGTON 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	
10N	05W	17									0.5			0.5					1.0
10N	05W	17									9.5			1.5					11.0
											L 2			L 2					

POU Total Acres: 12.0

CONDITIONS OF APPROVAL

1. 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.
2. The point of diversion for this water right is unsurveyed land. The quarter-quarter description has been protracted from the adjacent public land survey.
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. 84724

State of Idaho
Department of Water Resources

Attachment to Water Right Transfer 84724

3-4005

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.



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

0 0.035 0.07 0.14 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 6, 2021

AUSTIN CALLISON
481 S ACADEMY LN
EAGLE ID 83616-7470

Re: Transfer No: 84724
Water Right No.: 3-4005
Transfer Approval Notice

Dear Water Right Holder:

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

The Transfer of Water Right is a PRELIMINARY ORDER issued by the Department pursuant to Idaho Code § 67-5243. 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 Idaho Code § 42-1701A(3). 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) 287-4800.

Sincerely,

A handwritten signature in blue ink that reads "Angela M. Hansen". The signature is fluid and cursive, with the first name "Angela" being more prominent.

Angela Hansen

Water Rights Section Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person listed below:

Re: Transfer No.: 84724
Water Right No.: 3-4005

AUSTIN CALLISON
481 S ACADEMY LN
EAGLE ID 83616-7470



Debbi Judd
Technical Records Specialist

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. 84724
FROM: Shilynn Novak
DATE: March 31, 2021
RE: Evaluation of Application

The transfer proposes to change the point of diversion (POD) for water right 3-4005. This new, private POD will be located approximately 0.1 miles upstream of the current location in the Snake River.

The site is located directly N of Smith Island. It is also approximately 0.5 miles southwest of Weiser Municipal Airport. It is approximately 3 miles south of Weiser, ID.

Contact person for the applicant is Lori Graves at SPF Water Engineering. Ms Graves can be reached at (208) 383-4140.

Summary of Information Submitted

Authority to File: Austin Callison filed the transfer for 3-4005 which included an ownership change from previous owner W James Smith to Mr. Callison's name. The original application package provided insufficient information to make the ownership change. Once notified Ms. Graves provided the documents needed to complete the ownership change. The ownership change was successfully updated to reflect Mr. Callison as the current owner and they have authority to file this POD transfer.

Water Right Validity: The partial decree for water right no. 3-4005 was issued on 7/9/2007. The right is presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by department aerial imagery including google earth images show a field in place which has beneficially used the water consistently since 1994. No defense of forfeiture is needed.

Water Right Overlap: No concerns. Although water right 67-10751 boundary extends over the 3-4005 POU, the water right is for domestic use and not considered for this transfer. Water right 3-2001C listed in the same QQs but there is no overlap to take into consideration. The POU is not changing with this transfer.

Water Supply Bank: Rights are not in water supply bank.

Injury to Other Water Rights: No injury is anticipated. The POD location will move upstream to a private pump that belongs to the applicant. The new POD is in a stretch of the Snake River that is unlikely to affect the other users in the area since the same amount of water will be pulled from the same source. There is no information to suggest this is a gaining or losing reach of the river or that moving this location will diminish the availability of water to other users.

No other water rights will be moved to the new pump. The current POD is a shared pump that provides water for 6 other water rights.

Enlargement of Use: The change in POD location does not constitute enlargement. Although the applicant is moving to a new POD that will be upstream of the current location, it will continue to pull from the same source and at the same rate for the same purposes.

Local Public Interest: No information has been provided that this transfer is not in the local public interest.

Beneficial Use/Conservation of Water Resources: The 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.

Callison Overlap Analysis

10N05W17 POU Analysis for 3-4005

[illegible]

10N05W17 POD Analysis for 3-4005

[illegible]

AFFIDAVIT OF PUBLICATION

JUN 04 2021

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO)
County of Washington) ss.Sarah Boles, being duly sworn,
deposes and says:That she is the Clerk of
THE WEISER SIGNAL AMERICAN, a weekly newspaper
published at Weiser, in the County of Washington and State of
Idaho; that said paper has been and is in general circulation in
the county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was published insaid newspaper once a week for two consecutive weeks in
the regular and entire issue of said paper during the period and
time of publication, and was published in the newspaper proper
and not in a supplement; that said paper has been established
and regularly published for more than seventy-eight consecutive
weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

May 19, 2021

and ending

with the issue of May 26, 2021Sarah BolesFees, \$ 174.65Subscribed and sworn to before me this 26date of May 2021Judith Parsons
Notary Public, residing at Weiser, Idaho.My commission expires 5-12-26JUDITH PARSONS
COMMISSION NO. 15747
NOTARY PUBLIC
STATE OF IDAHONOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84717REED MULKEY and MELINDA MULKEY, 327 AIRPORT
RD, WEISER, ID 83672 has filed Application No. 84717
for changes to the following water rights within WASH-
INGTON County(s): Right No(s). 3-10233, 3-10234; to see
a full description of these rights and the proposed transfer,
please see [https://research.idwr.idaho.gov/apps/waterrights/](https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers)
[querynewtransfers](https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers). The purpose of the transfer is to change a
portion of the above rights as follows:The transfer proposes to add a point of diversion for water
rights 3-10233 and 3-10234. The applicants would like to
have two points of diversion instead of one. This transfer re-
quests to use an existing, shared point of diversion located
0.25 miles south of Hansen Rd and Airport Way. The site is
located directly N of Smith Island and is approx 3 miles south
of Weiser, ID.

TRANSFER NO. 84724

AUSTIN CALLISON, 481 S ACADEMY LN, EAGLE, ID
83616-7470 has filed Application No. 84724 for changes to
the following water rights within WASHINGTON County(s)
Right No(s). 3-4005; to see a full description of these rights
and the proposed transfer, please see [https://research.idwr](https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers)
[idaho.gov/apps/waterrights/querynewtransfers](https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers). The purpose
of the transfer is to change a portion of the above rights as
follows:The transfer proposes to change the point of diversion for
water right 3-4005. This new, private POD will be located ap-
proximately 0.1 miles upstream of the current location in the
Snake River. The site is located directly N of Smith Island. It
is also approximately 0.5 miles southwest of Weiser Municip-
al Airport. It is approx 3 miles south of Weiser, ID near the
intersection of Hansen Rd and Airport Way.For additional information concerning the property location
contact Western Region office at (208)334-2190. Protest
may be submitted based on the criteria of Idaho Code Sec. 42
222. Any protest against the proposed change must be filed
with the Department of Water Resources, Western Region
2735 W AIRPORT WAY, BOISE ID 83705-5082 together
with a protest fee of \$25.00 for each application on or before
6/7/2021. The protestant must also send a copy of the protest
to the applicant.GARY SPACKMAN, Director
Published on 5/19/2021 and 5/26/2021

20-21

RECEIVED

MAY 24 2021

WATER RESOURCES
WESTERN REGION

5/20/2021

Department of Water Resources
Western Region
2735W Airport Way
Boise, ID 83705-5082

RE: Transfer No. 84724
Water Rights No. 3-4005

Dear Denise Lauerman,

I approve of this transfer for Austin Callison without any reservation or concerns.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Mary Susan Roach". The signature is written in dark ink and is positioned above the printed name and address.

Mary Susan Roach
339 Airport Rd
Weiser, ID 83672

RECEIVED

MAY 24 2021

WATER RESOURCES
WESTERN REGION

5/20/2021

Department of Water Resources
Western Region
2735W Airport Way
Boise, ID 83705-5082

RE: Transfer No. 84724
Water Rights No. 3-4005

Dear Denise Lauerman,

I approve of this transfer for Austin Callison without any reservation or concerns.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert D. Patrick", with a long horizontal flourish extending to the right.

Robert D. Patrick
339 Airport Rd
Weiser, ID 83672

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
2735 Airport Way
Boise, Idaho 83705-5082

Return Service Requested

MARTHA WEAVER
MICHAEL LEE WEAVER
1303 NW 16TH ST
FRUITLAND ID 83672

PRESORTED
FIRST CLASS



ZIP 83702 \$000.39⁸
02 4W
0000359172 MAY 13 2021

RECEIVED

MAY 20 2021

WATER RESOURCES
WESTERN REGION

NIXIE 841 DE 1300 0005/17/21

RETURN TO SENDER
NO MAIL RECEIPTABLE
UNABLE TO FORWARD

BC: 83705508235 *2389-09034-17-28

DAACSEB 03015
83705 5082

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
2735 Airport Way
Boise, Idaho 83705-5082

Return Service Requested

AUSTIN CALLISON
481 S ACADEMY LN
EAGLE ID 83616-7470

PRESORTED
FIRST CLASS



U.S. POSTAGE >> PITNEY BOWES



ZIP 83702 \$ 000.39⁸
02 4W
0000359172 MAY 13 2021

RECEIVED

MAY 19 2021

WATER RESOURCES
WESTERN REGION

841 DFE 1300421I0005/14/21
RETURN TO SENDER
CALLISON
2508 E ASHLAR DR
MERIDIAN ID 83642-7069

RETURN TO SENDER



DAUGHER 83705-5082