

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85009

This is to certify that: DALLAS L JORDAN OR
WENDY A JORDAN OR
WILLIAM C JORDAN
4038 COUNCIL CUPRUM RD
COUNCIL, ID 83612

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>
69-11528	WR/DECREED	7/1/1901	0.700 cfs	N/A	N/A	32.0	BEAR CREEK

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>
69-11528	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>
69-11528	69-11528	0.700 cfs	N/A	N/A	32.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.700 cfs	N/A	N/A	32.0		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 September, 2021.



Chief, Water Allocation Bureau

WATER RIGHT NO. 69-11528

As Modified by Transfer No. 85009

In accordance with the approval of Transfer No. 85009, Water Right No. 69-11528 is now described as follows:

Right Holder: DALLAS L JORDAN Or
WILLIAM C JORDAN Or
WENDY A JORDAN
4038 COUNCIL CUPRUM RD
COUNCIL, ID 83612

Priority Date: 7/1/1901

Source: BEAR CREEK

Tributary: WILDHORSE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
DOMESTIC	01/01	to 12/31	0.020 cfs
IRRIGATION	04/01	to 10/31	0.660 cfs
STOCKWATER	01/01	to 12/31	0.020 cfs
			0.700 cfs

LOCATION OF POINT(S) OF DIVERSION

BEAR CREEK	NESE	Sec 13 Twp 20N Rge 03W ADAMS County
BEAR CREEK	SENWSW	Sec 35 Twp 20N Rge 03W ADAMS County
BEAR CREEK	SESWSW	Sec 35 Twp 20N Rge 03W ADAMS 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	
20N	03W	35											X						

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	
20N	03W	35											32.0						32.0

POU Total Acres: 32.0

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	
20N	03W	35											X						

Transfer No. 85009

WATER RIGHT NO. 69-11528
As Modified by Transfer No. 85009

CONDITIONS OF APPROVAL

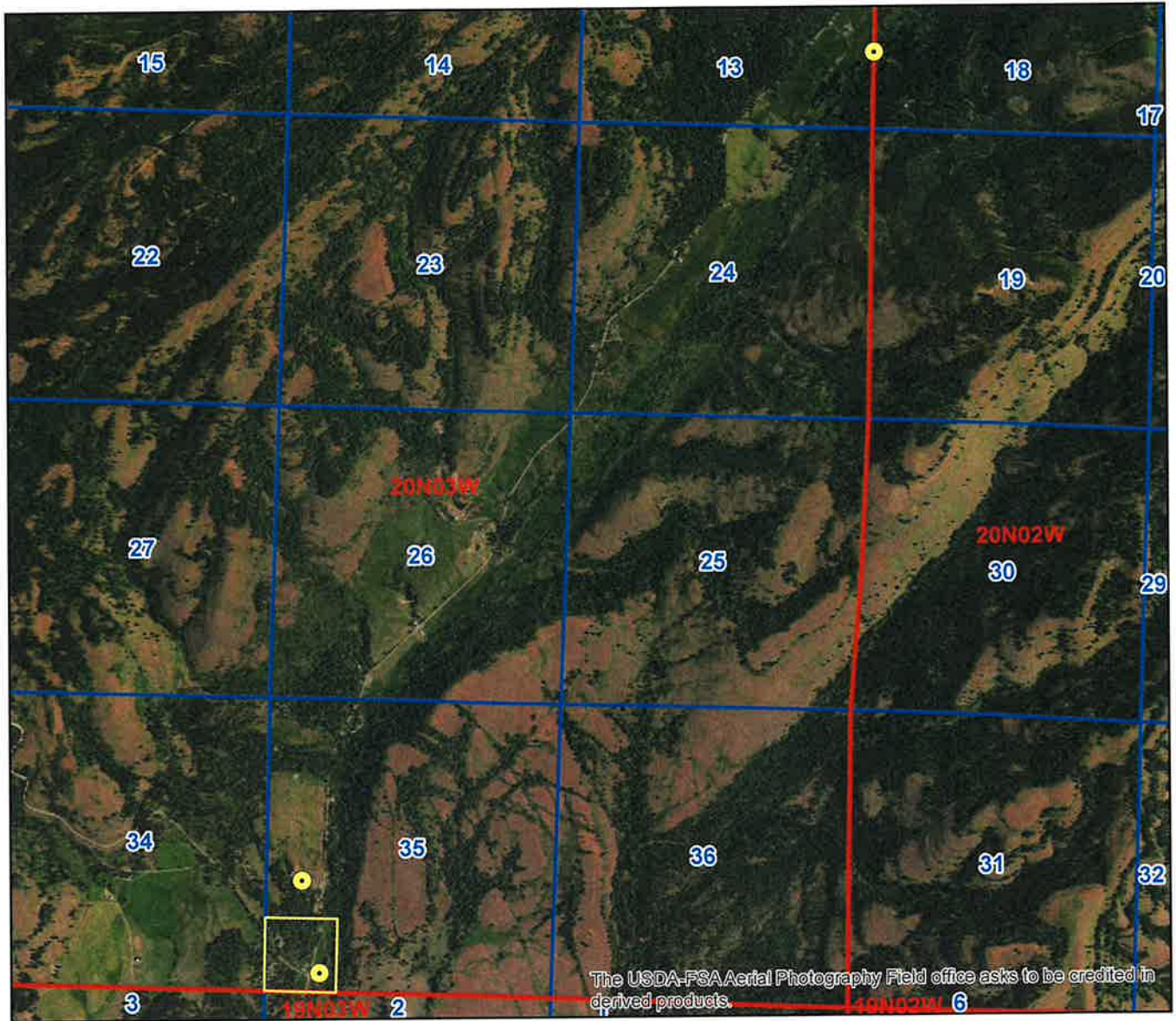
1. Stockwater use is for 25 range cattle.
2. The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
3. When combined with all other rights, the quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
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.
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

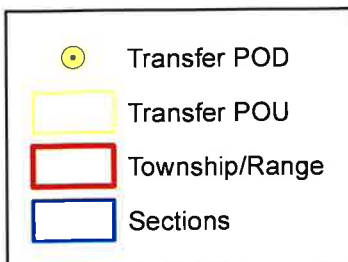
Attachment to Transfer No. 85009

Water Right(s): 69-11528

This map depicts the IRRIGATION, STOCKWATER, and 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.



0 0.375 0.75 1.5 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 12 2021

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☒ Transfer is for changes pursuant to Idaho Code § 42-221, O.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Dallas Jordan, William & Wendy Jordan Phone 208-559-4930
2. **MAILING ADDRESS** 4038 Council Cuprum Rd. City Council
State ID Zip 83612 Email wjordan@cableone.net or jordan_dallas@yahoo.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 69-11528. This is a correction of section number for point of diversion from section 24 to section 13. Owners have used Ditch for approx 50 yrs under water right dating back to 1901.

- ☐ Attach a copy of the water right(s) as recorded, available at dwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is .70 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** -- Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

[illegible]

AMENDED

6. 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:

Bear Creek Community Ditch has been established since 1901. Has controlled concrete metal diversion from Bear Creek in section 13.

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Bear Creek Community Ditch Board

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Dallas Jordan
Signature of applicant or authorized agent

Dallas Jordan
Print name and title if applicable

05/24/2021
Date

William & Wendy Jordan
Signature of applicant or authorized agent

William & Wendy Jordan
Print name and title if applicable

05/24/2021
Date

9. **FEE** - ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8, require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid _____ Date _____ Received by _____ Receipt # _____

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 - confidential information is held by fiscal only)

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION ^{VERSION 2021}

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ^(CORRECTION) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split
- ☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Dallas Jordan, William & Wendy Jordan Phone 208-559-4930

2. **MAILING ADDRESS** 4018 Council Cuprum Rd. City Council

State ID Zip 83612 Email wjordan@cableone.net or jordan_dallas@yahoo.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 69-11528: This is a correction of section number for point of diversion from section 24 to section 13. Owners have used Ditch for approx 50 yrs under water right dating back to 1901

- ☐ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is .70 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
no		SW	NE	NE	13	20N	03W	Adams	Bear Creek	Bear Creek
										Community Ditch

6. 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:

Bear Creek Community Ditch has been established since 1901. Has controlled concrete metal diversion from Bear Creek in section 13.

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Bear Creek Community Ditch Board

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C*.

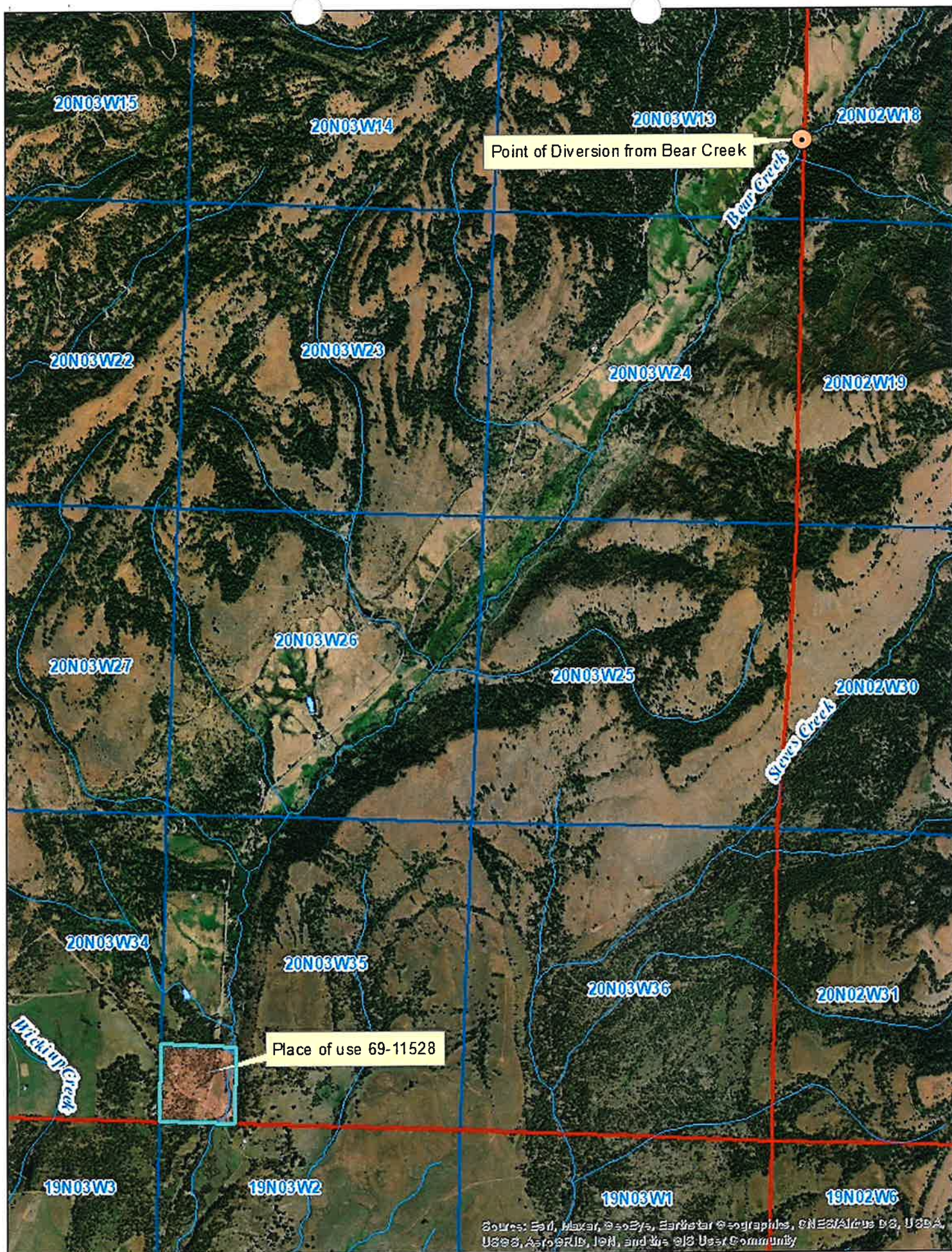
8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

<u>Dallas Jordan</u> Signature of applicant or authorized agent	Dallas Jordan Print name and title if applicable	05/24/2021 Date
<u>William & Wendy Jordan</u> Signature of applicant or authorized agent	William & Wendy Jordan Print name and title if applicable	05/24/2021 Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by Ku Date 5-28-21
Fee paid 50- Date 5-28-21 Receipted by Ku Receipt # C110448
Preliminary review by JS Date 6/3/21 Active in the Water Supply Bank? Yes ☐ No ☐
W-9 received? Yes ☐ No ☒ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐
(Do NOT scan the W-9 – confidential information is held by fiscal only)



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/24/2021

Water Right 69-11528

RECEIVED

MAY 28 2021

DEPARTMENT OF
WATER RESOURCES

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DALLAS L JORDAN PO BOX 170096 BOISE, ID 83717 (208) 336-4412
Current Owner	WILLIAM C JORDAN PO BOX 170096 BOISE, ID 83717 (208) 336-4412
Current Owner	WENDY A JORDAN PO BOX 170096 BOISE, ID 83717 (208) 336-4412
Original Owner	NANCY L JORDAN 4012 LANDORE RD COUNCIL, ID 83612 (208) 258-4831
Original Owner	WILLIAM D JORDAN 4012 LANDORE RD COUNCIL, ID 83612 (208) 258-4831

Priority Date: 7/1/1901

Basis: Decreed

Status: Active

Source
BEAR CREEK

Tributary
WILDHORSE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.660 CFS	
STOCKWATER	01/01	12/31	0.020 CFS	
DOMESTIC	01/01	12/31	0.020 CFS	
	<u>Total Diversion</u>		0.700 CFS	

Source and Point(s) of Diversion

BEAR CREEK	SENWSW	Sec. 35, Twp 20N, Rge 03W,	ADAMS County
BEAR CREEK	SWNENE	Sec. 24, Twp 20N, Rge 03W,	ADAMS County
BEAR CREEK	SESWSW	Sec. 35, Twp 20N, Rge 03W,	ADAMS County

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/24/2021

Place Of Use

IRRIGATION within ADAMS County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	03W	35											32.0						32.0

POU Total Acres: 32.0

DOMESTIC within ADAMS County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	03W	35											X						

STOCKWATER within ADAMS County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	03W	35											X						

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. X02 Stockwater use is for 25 range cattle.
3. N09 The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
4. N14 When combined with all other rights, the quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

Dates and Other Information

Decreed Date: 12/8/2006
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: Or
Water District Number: NWD
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/24/2021

Dallas Jordan
4018 Council Cuprum Rd
Council, ID 83612
208-854-9340

RECEIVED

MAY 28 2021

DEPARTMENT OF
WATER RESOURCES

William & Wendy Jordan
PO Box 170096
Boise, ID 83717-0096
208-559-4930

May 26, 2021

Sandra Thiel
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

RE: Water Right #: 69-11528 -Correction of section for Jordan water right diversion point

Dear Sandra:

Thank you for speaking with us on 05/24/21, and providing assistance in initiating the process to correct the diversion point for our water right to use the Bear Creek Community Ditch. We have completed and attached the transfer form.

As we discussed, the section number that has been recorded for the point of diversion from the Water Resources was section 24. This needs to be corrected to section 13, which the existing point of diversion for all users of the Bear Creek Community Ditch. As you know, our water right dates back to 1901, and we personally have been using the ditch for approximately 50 years. A copy of the map you provided that identifies the point of diversion and the usage area has also been attached.

The \$50 transfer fee has been included. Please contact us if there are any questions or additional information is needed.

Thank you very much for your assistance.

Best Regards,

Dallas Jordan
William Jordan
Wendy Jordan

Dallas Jordan, William & Wendy Jordan

Idaho Department of Water Resources Receipt

Receipt ID: C110448

Payment Amount	\$50.00	Date Received	5/28/2021	Region	STATE
Payment Type	Check	Check Number	296		
Payer	BEAR PARK CABINS, LLC				
Comments	TRANSFER OF WATER RIGHTS FOR POINT (S) OF DIVERSION FOR: DALLAS JORDAN, WILLIAM AND WENDY JORDAN WR# 69-11528				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	TRANSFERS	56105	0229	21		1155



Signature Line (Department Representative)



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

September 22, 2021

DALLAS L JORDAN
WILLIAM C JORDAN
WENDY A JORDAN
4038 COUNCIL CUPRUM RD
COUNCIL ID 83612

RE: Transfer No: 85009
Water Right No.: 69-11528

Transfer Approval Notice

Dear Water Right Holders:

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

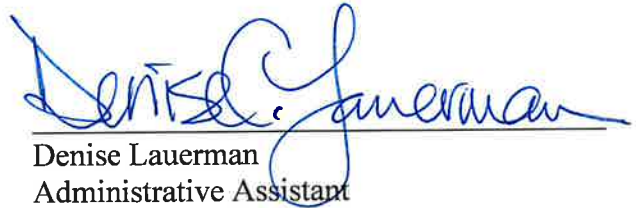
Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 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.: 85009
Water Right No.: 69-11528

DALLAS L JORDAN
WILLIAM C JORDAN
WENDY A JORDAN
4038 COUNCIL CUPRUM RD
COUNCIL ID 83612



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. 85009
FROM: Aaron Olson
DATE: 9/3/2021
RE: Evaluation of Application

The purpose of this transfer is to change the legal description for one of the points of diversion of this right from SWNE Sec. 24, Twp 20N, Rge 03W to NESE Sec. 13 Twp 20N, Rge 03W.

The site is located off of Landore Road approximately 32 miles northwest of Council.

Deviations from Transfer Policy Standards

The original application submitted with the transfer had the proposed point of diversion legal description listed as SWNE Sec. 13, Twp 20N, Rge 03W which did not reflect the provided map and recorded location of the Bear Creek Community Ditch POD. Application was amended to correct the proposed legal description to NESE Sec. 13 Twp 20N, Rge 03W.

Summary of Information Submitted

Authority to File:

The application was filed in the names of Dallas Jordan, William Jordan, and Wendy Jordan. The application was signed by all three and they are the current owners of water right 69-11528.

Water Right Validity:

The partial decree for water right no. 69-11528 was issued on 12/8/2006. 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.

Injury to Other Water Rights:

Other water rights will not be impacted by the proposed transfer. There will be no physical change to either the point of diversion or place of use. Because the transfer will have no hydrologic impact, public notice will not be required.

Enlargement of Use:

The proposed changes will not result in enlargement because water use will not increase as a result of the transfer.

Local Public Interest:

No issues identified.

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.

Summary

Water Right Overlap

Bear Creek Community Ditch POD is a shared point of diversion between several water rights.

Discussion

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

The location of the POD is not physically changing and this transfer should be approved to change the legal description as contemplated by 42-221.0.8.

**Dallas Jordan
Bill & Wendy Jordan
PO Box 170096
Boise, ID 83717
208-559-4930**

RECEIVED

AUG 12 2021

WATER RESOURCES
WESTERN REGION

August 12, 2021

Aaron Olson
Idaho Dept. Of Water Resources
PO Box 83720
Boise, ID 83720-0098
aaron.olson@idwr.idaho.gov

RE: Water Right No: 69-11528 Correction/change of water right diversion point

Dear Aaron:

Thank you for speaking with me today concerning our request for a correction to water diversion point. Per your request, I am attaching the Application for Transfer with the corrected quarter sections.

If there are any questions, please contact us.

Thank you for your assistance.

Best Regards,

A handwritten signature in black ink that reads "Dallas Jordan". The signature is written in a cursive, flowing style.

Bill & Wendy Jordan
Dallas Jordan

Olson, Aaron

From: Olson, Aaron
Sent: Thursday, August 12, 2021 4:57 PM
To: 'W Jordan'
Subject: RE: Point of Diversion correction

Bill,

Thanks for sending that, I will go ahead and amend the application so we can continue processing and get this wrapped up.

Thanks,

Aaron

From: W Jordan [mailto:wjordan@cableone.net]
Sent: Thursday, August 12, 2021 4:53 PM
To: Olson, Aaron <Aaron.Olson@idwr.idaho.gov>
Subject: Re: Point of Diversion correction

Aaron:

Please find the attached correspondence and corrected point of diversion. Thank you for processing.

Could you please verify receipt?

Thank you.

Bill, Wendy and Dallas Jordan

On Aug 12, 2021, at 4:45 PM, Olson, Aaron <Aaron.Olson@idwr.idaho.gov> wrote:

Hi Bill,

As we discussed on the phone earlier, the point of diversion for the Bear Creek Community Ditch is located in NESE Sec 13 T20N R03W. To properly reflect where the point of diversion is located and marked on your attached map item #5 on the application would be filled out as follows:

<image001.png>

Thanks,

Aaron

Aaron Olson - Water Resource Agent

Idaho Dept. of Water Resources
2735 W Airport Way
Boise, ID 83705
(208) 605-4629
Aaron.Olson@idwr.idaho.gov