

RECEIVED

**WITHDRAWN**  
STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 84751006

FEB 10 2021

## MINIMUM REQUIREMENTS CHECKLIST

### TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

WATER RESOURCES  
WESTERN REGION

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](http://idwr.idaho.gov).

Name of Applicant(s) The Oelschlegal Living Trust, David Oelschlegal + Donna Oelschlegal, as co-Trustees

**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](http://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 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: Part 1A.3 - Purpose of Transfer / Part 1.5A - Diversion System  
Part 1, 5F Additional water right reports / Part 2A Spring water Right Report

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 1**

*The Oelschlegel Living Trust*  
 Name of Applicant(s) David Oelschlegel & Donna Oelschlegel as co-Trustees Phone 760-578-3646  
 Mailing address P.O. Box 398, Horseshoe Bend, ID 83629 Email ledulkevita@gmail.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative \_\_\_\_\_ Phone \_\_\_\_\_

Mailing address \_\_\_\_\_ Email \_\_\_\_\_

☐ Send all correspondence for this application to the representative and not to the applicant.

**OR**

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

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

**OR**

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

[Signature]  
Signature of Applicant or Authorized Representative

Dave Oelschlegel, co-Trustee  
Print Name and Title if applicable

02/09/2021  
Date

[Signature]  
Signature of Applicant or Authorized Representative

Donna Oelschlegel, co-Trustee  
Print Name and Title if applicable

02/09/2021  
Date

**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use  
☒ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_

2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.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**.

Add Domestic for use at one 3,940 sf home by  
reducing the current irrigation allotment.  
See attached, Part 1A.3

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<br>(cfs/ac-ft) | Nature of Use        | Period of Use  | Source & Tributary             |
|-----------------------------------------------------------------------------|--------------|-----------------------|----------------------|----------------|--------------------------------|
| All or Part<br><input checked="" type="checkbox"/> <input type="checkbox"/> | 65-13606     | 0.6 AF                | Domestic             | 01/01 to 12/31 | Spring & Payette River         |
| <input type="checkbox"/> <input checked="" type="checkbox"/>                | 65-13606     | 1.0 AF                | Irrigation           | 03/15 to 10/31 | Spring & Payette River         |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 65-13606     | 1.5 AF                | Wildlife Storage     | 01/01 to 12/31 | Unnamed stream & Payette River |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 65-13606     | 1.04 CFS              | Diversion to Storage | 01/01 to 12/31 | Unnamed stream & Payette River |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |                      | to             |                                |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |                      | to             |                                |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |                      | to             |                                |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |                      | to             |                                |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |                      | to             |                                |

Total authorized under rights 0.04 cfs and/or 6.0 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.04 cubic feet per second and/or 6.0 acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)  
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.  
 Label it **Attachment #5.**

| New ? | Lot | ¼ | ¼ | ¼ | Sec | Twp | Rge | County | Source | Local name or tag # |
|-------|-----|---|---|---|-----|-----|-----|--------|--------|---------------------|
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

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

| Twp                              | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |     |    | Acre Totals |
|----------------------------------|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|-----|----|-------------|
|                                  |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW  | SE |             |
| 07N                              | 02E | 2   |      |    |    |    |      |    |    |    |      |    |    |    |      |    | .56 |    | 0.56        |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |     |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |     |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |     |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |     |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |     |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |     |    |             |
| Total Acres (for irrigation use) |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |     |    | 0.56        |

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:

See Attachment Part 1, 5A - New  
see Attachment #7a, #7b - Beneficial Use Field Report System + map for  
prior usage - July 30, 2012.

- b. Who owns the property at the point(s) of diversion? The Delschlegel Living Trust, see Attachment #2a  
Water Right Ownership change in progress, Application has been submitted.  
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

N/A

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A  
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: \_\_\_\_\_

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank? N/A  
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 portion of the irrigation allotment will be converted as a nature of use change for  
domestic use. The size of vegetable crop irrigation area has decreased from 1 acre to  
0.53 acre and irrigated with poly drip line with emitters. Front yard 0.03 acres irrigated  
with drip lines.

- 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:

Water right 65-23223 & 65-12842, see Attachments Part 1, 5F  
This water is used for irrigation purposes at  
Lot 1, Block 1, Fawell Ranch Estates, (our property).

- 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: \_\_\_\_\_



**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

1/8/2021

**Water Right 65-13606**

| <u>Owner Type</u> | <u>Name and Address</u>                                                                            |
|-------------------|----------------------------------------------------------------------------------------------------|
| Current Owner     | FAULL RANCH ESTATES OWNERS ASSN INC<br>PO BOX 88<br>HORSESHOE BND, ID 83629-0088<br>(208) 991-7180 |
| Original Owner    | DORIS A OLIVER<br>3357 OSPREY RD<br>EAGLE, ID 83616<br>(208) 939-8317                              |
| Original Owner    | LEO T OLIVER<br>3636 BUTTE DR<br>ONTARIO, OR 97914-8700                                            |

**Priority Date:** 3/14/1995**Basis:** License**Status:** Active

| <u>Source</u>  | <u>Tributary</u> |
|----------------|------------------|
| SPRING         | PAYETTE RIVER    |
| UNNAMED STREAM | PAYETTE RIVER    |

| <u>Beneficial Use</u>  | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|------------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION             | 03/15       | 10/31     | 0.030 CFS             | 4.5 AF        |
| WILDLIFE STORAGE       | 01/01       | 12/31     |                       | 1.5 AF        |
| DIVERSION TO STORAGE   | 01/01       | 12/31     | 0.040 CFS             |               |
| <b>Total Diversion</b> |             |           | 0.040 CFS             | 6.0 AF        |

**Source and Point(s) of Diversion**

|                |        |                                        |
|----------------|--------|----------------------------------------|
| SPRING         | SWSWSE | Sec. 2, Twp 07N, Rge 02E, BOISE County |
| UNNAMED STREAM | SWSE   | Sec. 2, Twp 07N, Rge 02E, BOISE County |

**Place Of Use**

WILDLIFE STORAGE within BOISE County

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 07N | 02E | 2   |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |        |

IRRIGATION within BOISE County

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |     |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW  | SE |        |
| 07N | 02E | 2   |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 1.0 |    | 1.0    |

POU Total Acres: 1.0

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

1/8/2021

**Conditions of Approval:**

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.
2. 01P Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
3. 01M 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 determine the amount of water diverted from power records and shall annually report the information to the department.
4. R69 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. X60 Place of use is located within Lot 1, Blk. 1, Faull Ranch Estates.

**Comments:**

- |                            |           |     |
|----------------------------|-----------|-----|
| 1. agrimm<br>Updated Shape | 3/13/2014 | POU |
| 2. agrimm<br>Updated Shape | 3/14/2014 | POD |
| 3. agrimm<br>Updated Shape | 6/18/2014 | POU |
| 4. agrimm<br>Updated Shape | 6/18/2014 | POD |

**Dates and Other Information**

Licensed Date: 12/10/2014  
Water District Number: 65  
Generic Max Rate Per Acre: 0.030  
Generic Max Volume Per Acre: 4.5  
Mitigation Plan: False

**Combined Use Limits**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

N/A



## Application for Transfer or Exchange Fee Schedule

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 storage volume (acre-feet per year or AFY) or on the diversion rate (cubic feet per second or CFS) being transferred, not necessarily on the amount of the entire right. For applications proposing a change in the diversion rate and storage volume, determine each fee separately and pay the greater of the two. See Transfer Processing Memo No. 23.

(CFS = cubic feet per second; AF = acre-feet per year)

| Flow Rate (CFS) | Storage Volume (AF) | Fee     | Flow Rate (CFS) | Storage Volume (AF) | Fee     |
|-----------------|---------------------|---------|-----------------|---------------------|---------|
| 0.00 – 0.20     | 0.0 – 20.0          | \$200   | 11.01 – 12.00   | 1,100.1 – 1,200.0   | \$1,380 |
| 0.21 – 1.00     | 20.1 – 100.0        | \$500   | 12.01 – 13.00   | 1,200.1 – 1,300.0   | \$1,460 |
| 1.01 – 2.00     | 100.1 – 200.0       | \$580   | 13.01 – 14.00   | 1,300.1 – 1,400.0   | \$1,540 |
| 2.01 – 3.00     | 200.1 – 300.0       | \$660   | 14.01 – 15.00   | 1,400.1 – 1,500.0   | \$1,620 |
| 3.01 – 4.00     | 300.1 – 400.0       | \$740   | 15.01 – 16.00   | 1,500.1 – 1,600.0   | \$1,700 |
| 4.01 – 5.00     | 400.1 – 500.0       | \$820   | 16.01 – 17.00   | 1,600.1 – 1,700.0   | \$1,780 |
| 5.01 – 6.00     | 500.1 – 600.0       | \$900   | 17.01 – 18.00   | 1,700.1 – 1,800.0   | \$1,860 |
| 6.01 – 7.00     | 600.1 – 700.0       | \$980   | 18.01 – 19.00   | 1,800.1 – 1,900.0   | \$1,940 |
| 7.01 – 8.00     | 700.1 – 800.0       | \$1,060 | 19.01 – 20.00   | 1,900.1 – 2,000.0   | \$2,020 |
| 8.01 – 9.00     | 800.1 – 900.0       | \$1,140 | 20.01 – 100.00  | 2,000.1 – 10,000.0  | *       |
| 9.01 – 10.00    | 900.1 – 1,000.0     | \$1,220 | 100.01 – 500.00 | 10,000.1 – 50,000.0 | **      |
| 10.01 – 11.00   | 1,000.1 – 1,100.0   | \$1,300 | 500.01 & over   | 50,000.1 & over     | ***     |

For an application including a change in nature of use of water under one (1) or more right(s):

**Additional fee of \$250 per application.**

For any application including a change in ownership of water right(s) as required per Idaho Code § 42-248:

**Additional fee of \$25 per undivided right requiring an ownership change and/or**

**Additional fee of \$100 per divided right requiring an ownership change.**

\* **\$2,020 plus \$40** for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 20.0 cfs or 2,000 acre-feet.

\*\* **\$5,220 plus \$20** for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 100.0 cfs or 10,000 acre-feet.

\*\*\* **\$13,220 plus \$4** for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 500.0 cfs or 50,000 acre-feet.

Attachment #2a

01/28/2021

To whom it may concern,

The included paperwork is the documentation requested for a change in the water right ownership of our spring 65-13606, which is on our land.

We purchased our property at 20 Waverly Drive, Lot 1 in Block 1 of Faull Ranch Estates in Horseshoe Bend, from Leo Oliver on September 20, 2017. We then moved the property into our trust with a quitclaim deed on April 24, 2020. The trust name is 'David R. Oelschlegal and Donna L. Oelschlegal, as co-trustees of The Oelschlegal Living Trust, U/A dated April 24, 2020'

We will also be filing an application for transfer of a water right, since we have built a home and are transferring excess irrigation water for domestic use.

Our contact information:

Dave and Donna Oelschlegal  
PO Box 398  
Horseshoe Bend, ID 83629  
cell 760-578-3646  
email [ledulcevita@gmail.com](mailto:ledulcevita@gmail.com)

Regards,

Dave and Donna Oelschlegal

This change of water right ownership application has already been submitted to the state/regional department.

#65-13606



**PioneerTitleCo.**

GOING BEYOND

775 S. Rivershore Ln., Ste. 120  
Eagle, ID 83616

**ELECTRONICALLY RECORDED-DO NOT  
REMOVE THE COUNTY STAMPED FIRST  
PAGE AS IT IS NOW INCORPORATED AS  
PART OF THE ORIGINAL DOCUMENT**

File No. 632784 /PP

## WARRANTY DEED

For Value Received Oliver Family Investments, LLC a Colorado limited liability company  
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

David R. Oelschlegal and Donna L. Oelschlegal, husband and wife  
hereinafter referred to as Grantee, whose current address is 4101 Ashford Circle Hollister, CA 95023  
The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and  
Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the  
said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are  
free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those  
made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions,  
dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies,  
and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable,  
and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: September 20, 2017

Oliver Family Investments, LLC a Colorado limited liability company

By: Leo T. Oliver Manager

Leo T. Oliver, Manager  
State of Idaho, County of Ada

On this 21<sup>st</sup> day of September in the year of 2017, before me, the undersigned, a Notary Public in and for  
said State, personally appeared Leo T. Oliver, known or identified to me to be the Manager of the  
Limited Liability Company that executed the foregoing instrument, and acknowledged to me that such  
Limited Liability Company executed the same.

Bethany Rankin  
Residing at: Bowling ID

Commission Expires: 5/10/2022



EXHIBIT A

Lot 1 in Block 1 of Faull Ranch Estates 1, according to the official plat thereof, recorded as Instrument No. 157003, records of Boise County, Idaho.

**After Recording, Return and  
Mail Tax Statements To:**

David and Donna Oelschlegal  
as co-Trustees  
PO Box 398  
Horseshoe Bend, ID 83629

**Instrument # 268063**

IDAHO CITY, BOISE COUNTY, IDAHO  
6-11-2020 02:44:35 PM No. of Pages: 2  
Recorded for : JEPPESEN LAW, PLLC  
MARY T. PRISCO Fee: 15.00  
Ex-Officio Recorder Deputy *Mary T. Prisco*  
Index to: DEEDS

**QUITCLAIM DEED**

DAVID R. OELSCHLEGAL and DONNA L. OELSCHLEGAL, husband and wife, the GRANTORS,  
Whose mailing address is PO Box 398, Horseshoe Bend, ID 83629;

FOR NO CONSIDERATION, do hereby convey and quitclaim to

DAVID R. OELSCHLEGAL and DONNA L. OELSCHLEGAL, as co-Trustees of THE  
OELSCHLEGAL LIVING TRUST, U/A dated Apr. 1 24, 2020, the GRANTEE,

Whose mailing address is PO Box 398, Horseshoe Bend, ID 83629;  
and to Grantee's successors and assigns, all of THE FOLLOWING described real property located in the  
County of Boise, State of Idaho:

Lot 1 in Block 1 of Faull Ranch Estates 1, according to the official plat thereof, recorded as  
Instrument No. 157003, records of Boise County, Idaho.

More commonly known as 20 Waverly Dr., Horseshoe Bend, ID 83629.

Assessor's Parcel Number: RP001100010010

SUBJECT TO: Restrictions, Conditions, Covenants, Rights, Rights of Way, and Easements that are now  
of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in  
anywise appertaining.

The then-acting Trustee has the power and authority to encumber or otherwise to manage and dispose of  
the hereinabove described real property; including, but not limited to, the power to convey.

NOTE: DEED PREPARED WITHOUT BENEFIT OF TITLE SEARCH

Dated this 24 day of April, 2020.

*David R. Oelschlegal*  
DAVID R. OELSCHLEGAL

*Donna L. Oelschlegal*  
DONNA L. OELSCHLEGAL

STATE OF IDAHO

)  
) ss.

COUNTY OF ADA

)

On this April 24<sup>th</sup>, 2020, before me, the undersigned, a Notary Public, personally appeared DAVID R. OELSCHLEGAL and DONNA L. OELSCHLEGAL, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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



  
\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires: 12/05/2020

Dave and Donna Oelschlegal  
Application for transfer of water right

## PURPOSE OF TRANSFER

### PART 1A.3

We are requesting a nature of use change for our spring. We are reducing the current irrigation allocation and transferring the excess over for internal domestic use at one 3,940 square foot home and approximately .03 acres of trees, bushes and flowers in the front yard.

Alfalfa was previously irrigated with hand line impact sprinklers. The POU size for this irrigation was 1 acre. We have now tiered the hillside into four level vegetable planting beds for a new reduced POU of .53 acre. This size is approximately 259' x 90' x 254' x 86' (see attached New POU map).

$$259' \times 90' = 23,310', \quad 23,310 / 43,560 \text{ (1 acre)} = .53 \text{ acre}$$

Each tier (planting bed) will have approximately one 250' long by 1/2" emitter hose. Each hose has one emitter every 9", for a total of approximately 333 emitters per 250' length of hose. Each hose is capable of 1 gph per emitter, totaling 333 gph.

$$333 \text{ gph per tier} \times 4 \text{ tiers (1 hour/tier)} = 1,332 \text{ gpd}$$

$$1,332 \text{ gpd} \times 7 \text{ days} = 9,324 \text{ gallons per week}$$

$$9,324 \text{ gallons per week} \times 33 \text{ weeks (3/15-10/31)} = 307,692 \text{ gallons}$$

$$307,692 \text{ gallons} / 325,850 \text{ (1AF)} = .94 \text{ AF water needed for irrigation}$$

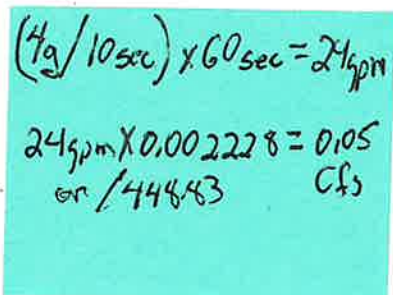
The .03 acre of trees, flowers and bushes are watered with drip emitters on a prescribed timer.  
 $1,340' / 43,560 \text{ (1 acre)} = .03 \text{ acre}$

We are requesting to use IDWR standard of .6 AFY for in house usage.

Our spring produces 24 gpm. Measured by using a 5 gallon bucket and a stopwatch, it produced 4 gallons in 10 seconds.

$$10 \text{ seconds} \times 6 = 60 \text{ seconds (1 minute)}$$

$$4 \text{ gallons (in 10 seconds)} \times 6 = 24 \text{ gpm}$$



Handwritten calculations on a blue sticky note:

$$(4g / 10sec) \times 60sec = 24gpm$$
$$24gpm \times 0.002228 = 0.053472 \text{ cfs}$$

or  $448.43$

Transfer #65-13606

Dave and Donna Oelschlegal  
Application for transfer of water right

Part 1, 5A

Diversion System:

Place of use is located within Lot 1, Blk 1, Faull Ranch Estates

Spring water (from existing, unchanged POD) is captured in a perforated 3" pvc pipe after which it travels to a 'Y' fitting where the water stream is split into two different pvc pipes. Flow control is done by two separate pvc ball valves (original equipment). One pipe transfers water via gravity to a sealed concrete catch vault (approx 7' x 14' x 4' deep), the other travels via gravity to the pond. After going in to the vault, the water then travels out the overflow, unobstructed, to the dedicated 6" pvc pond pipe.

Irrigation and Domestic Distribution is done with a Grundfos CU 301 variable frequency drive with a ¾ hp submersible pump.

For domestic use, a 1 1/4" pvc water line is routed through an Aquasana filtration system, which limits the gpm to 7 gallons per minute, maximum. \*Note- the Grundfos CU 301 is set to 10 gpm maximum and 60 psi. The restrictive nature of the filters limit the gpm to 7. This 1 1/4" main line travels approximately 225' to the home and is then distributed. In the front and rear exterior there are a total of two 3/4" frost free hydrants. The front hydrant is connected to a timer and waters the front of the home via drip system. The front yard of trees, bushes and flowers measures approx 1,340sf or .03 acre (1340/43,560).

For irrigation purposes, the water is routed before the filter to obtain 10 gpm and 60 psi. A 3/4" valve is opened and water is then pumped through a 1" hose to a distribution point where one of four irrigation systems are charged (as the hillside is now tiered into four vegetable planting beds 259' x 90' x 254' x 86' approx). Each planting bed will have one 250' x 1/2" emitter hose (4 hoses, one for each tier). Each hose has one emitter every 9", for a total of approximately 333 emitters per 250' of hose. Each hose is capable of 1 gph per emitter, totaling 333 gph. Pre filter pumping is capable of 10 gpm at 60 psi, for 600 gph, so there is sufficient pressure to run the pump, one hose at a time.

Calculation for crop irrigation on four tiers:

333 gph(for 1 hour) x 4 tiers= 1,332 gpd

1,332 gpd x 7 days= 9,324 gallons per week

9,324 gallons per week x 33 weeks (3/15 to 10/31) = 307,692 gallons

We are requesting 1 AF of water for irrigation to cover the planting beds and .03 acre of front yard. We are requesting .6 AF (IDWR Standard) for in house water usage.

If directed by the Department, we will accommodate a measuring device and/or lockable controlling works to the diversion site.

Transfer #65-13606

# IDAHO Department of Water Resources

P-1, 5F



IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to call ahead for an appointment.

## WATER RIGHT REPORT

1/13/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 65-12842

| <u>Owner Type</u> | <u>Name and Address</u>                                                                        |
|-------------------|------------------------------------------------------------------------------------------------|
| Current Owner     | FAULL RANCH ESTATES OWNERS ASSN INC<br>PO BOX 88<br>HORSESHOE BND, ID 83629-0088<br>2089917180 |
| Original Owner    | STEPHEN F DOBSON                                                                               |
| Original Owner    | TOM OLIVER<br>PO BOX 366<br>HORSESHOE BEND, ID 83629<br>2087932694                             |

Priority Date: 05/16/1988

Basis: License

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| PORTER CREEK  | PAYETTE RIVER    |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | 10/31     | 0.84 CFS              |               |
| Total Diversion       |             |           | 0.84 CFS              |               |

Transfer #65-13606

Location of Point(s) of Diversion:

PORTER CREEK | NWNWSE | Sec. 12 | Township 07N | Range 02E | BOISE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BOISE County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 07N             | 02E          | 2              | 7          | SESW         | 14           |            |              |              |            |              |              |            |              |              |
|                 |              |                |            | SWSE         | 3.2          |            |              |              |            |              |              |            |              |              |
|                 |              | 11             |            | NWNE         | 7.8          |            |              |              |            |              |              |            |              |              |
|                 |              |                | 1          | NENW         | 17           |            |              |              |            |              |              |            |              |              |

Total Acres: 42

Conditions of Approval:

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65B.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. F06 The following rights are diverted through the point of diversion described above: 65-3104B, 65-3104C, 65-13075A, and 65-12842.
5. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.

Dates:

Licensed Date: 05/16/2014

Decreed Date:

Permit Proof Due Date: 4/1/1993

Permit Proof Made Date: 2/18/1993

Permit Approved Date: 4/28/1989

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 05/16/1988

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 65B

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4.5

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

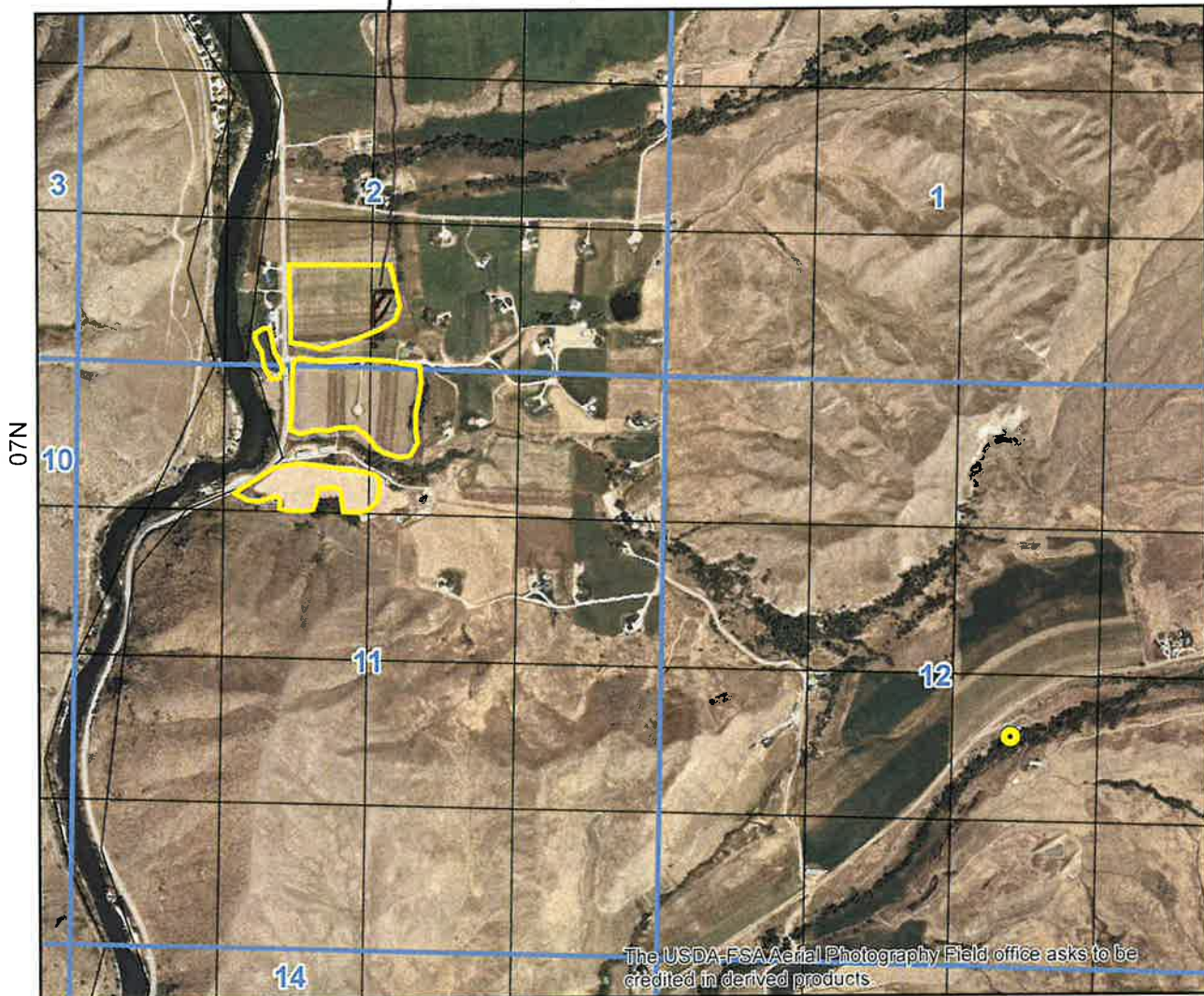
State of Idaho  
Department of Water Resources

# Water Right 65-12842

## IRRIGATION

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

//// = portion of  
Lot 1, Block 1, Fossil Ranch Estates  
02E



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

0 0.2 0.4 0.8 Miles



# IDAHO Department of Water Resources



IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to call ahead for an appointment.

## WATER RIGHT REPORT

2/8/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 65-23223

| <u>Owner Type</u> | <u>Name and Address</u>                                                                        |
|-------------------|------------------------------------------------------------------------------------------------|
| Current Owner     | FAULL RANCH ESTATES OWNERS ASSN INC<br>PO BOX 88<br>HORSESHOE BND, ID 83629-0088<br>2089917180 |
| Original Owner    | ALFRED C WOLFGRAM                                                                              |
| Original Owner    | MARGARET I WOLFGRAM<br>PO BOX 100<br>HORSESHOE BEND, ID 83629                                  |
| Original Owner    | STEPHEN F DOBSON                                                                               |
| Original Owner    | LEO T OLIVER<br>PO BOX 366<br>HORSESHOE BEND, ID 83629<br>2087932694                           |

Priority Date: 07/07/1969

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| PAYETTE RIVER | SNAKE RIVER      |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
|-----------------------|-------------|-----------|-----------------------|---------------|

Transfer #65-13606

|                 |       |       |          |           |
|-----------------|-------|-------|----------|-----------|
| IRRIGATION      | 03/15 | 11/15 | 3.53 CFS | 794.3 AFA |
| Total Diversion |       |       | 3.53 CFS | 794.3 AFA |

Location of Point(s) of Diversion:

PAYETTE RIVER | NENW Lt 1 | Sec. 11 | Township 07N | Range 02E | BOISE County

PAYETTE RIVER | NENW Lt 1 | Sec. 11 | Township 07N | Range 02E | BOISE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BOISE County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 07N      | 02E   | 2       |     | SWSE  | 17    |     | SESE  | 20    |     |       |       |     |       |       |
|          |       | 11      |     | NENE  | 35    |     | NWNE  | 34    |     | SWNE  | 19    |     | SENE  | 32    |
|          |       |         | 1   | NENW  | 18    |     | SENE  | 1     |     |       |       |     |       |       |

Total Acres: 176

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. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Dates:

Licensed Date:

Decreed Date: 05/06/2003

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:

Water District Number: 65

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:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

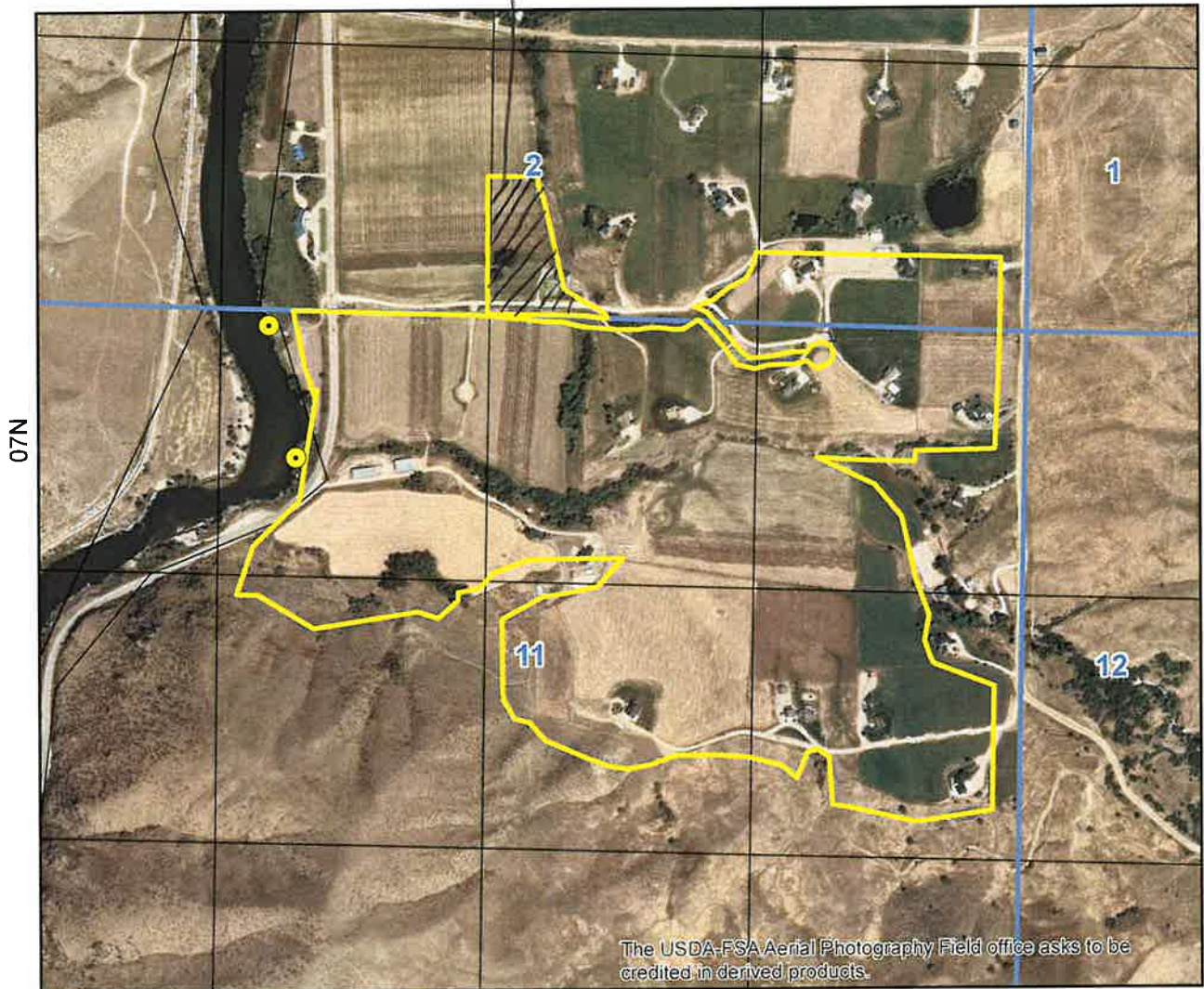
State of Idaho  
Department of Water Resources

**Water Right**  
**65-23223**

IRRIGATION

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

//// = Lot 1, Block 1 Fawll Ranch Estates  
02E



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

0 0.1 0.2 0.4 Miles



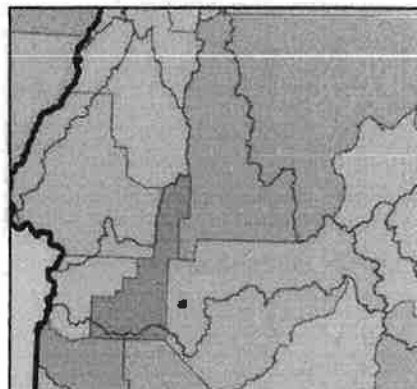


# Idaho Department of Water Resources

Water Right  
65-23223  
(IRRIGATION)

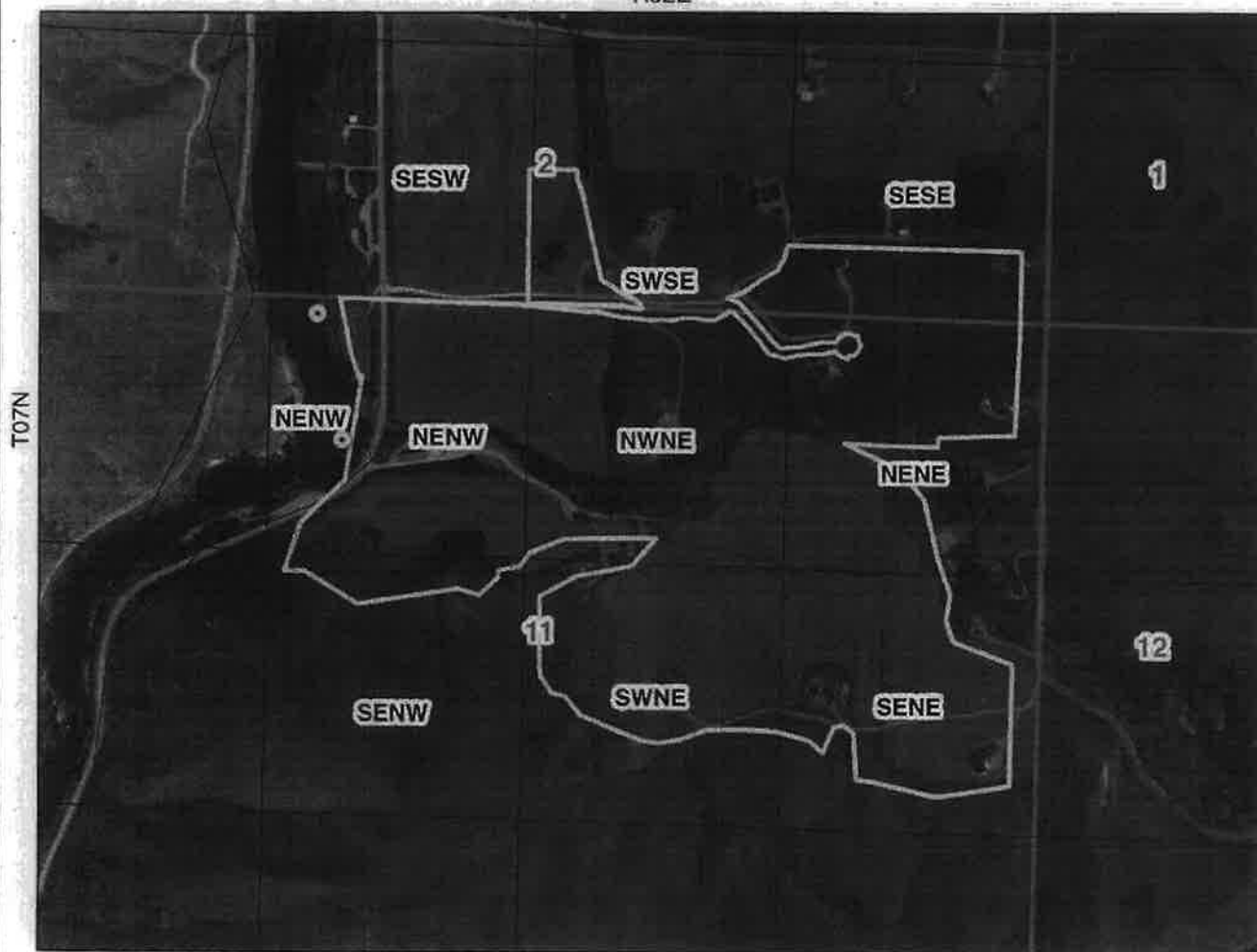
## Legend

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



Boise County  
IDWR Basin 65

R02E



Prepared by Sandy Egbert  
On Thursday, April 17, 2008  
2004 Aerial Photography

0 0.15 0.3 0.6 Miles

65-23223



0 0.04 0.08 0.16 Miles

SES

SW

NW

NE

Domestic Use

Crop Irrigation

Domestic pipe

Landscape Drip System

Pump

Vault

Spring POD

Storage Pond

Overflow

Underground Pipe to Payette River

Waverly Dr

11

21

07N02E

SWSE

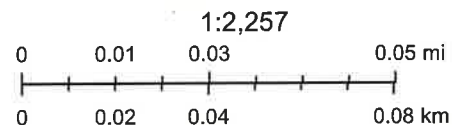
NWNE

NENW1

SES

Legend:

- Lines
  - Override 1
  - Override 2
  - Override 3
- Points
  - Override 2
  - Override 3
- County
- Quarter
- Section
- Township/Range
- Idaho Outline
- Idaho Mask



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

Transfer #65-13606

Idaho Department of Water Resources

Maxar, Microsoft | Created by NRCS from 1:24,000 scale USGS topographic maps. | Idaho Department of Water Resources | USDA, Natural Resources Conservation Services | Esri, HERE, iPC |

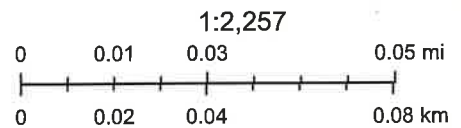
# New POU irrigation measurements Application for Water Right Transfer

Attachment #7a, #7b



1/19/2021, 12:40:56 PM

- Override 1
- Township/Range
- Counties
- Idaho Outline
- Quarter Quarter
- Idaho Mask
- Section



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

Transfer #65-13606

Idaho Department of Water Resources

Attachment #7a, #7b

Note for 65-13606 , dated July 30, 2012

Beneficial Use Field Report System Diagram & Map

This seems to be the only map we could find which documents the Spring POD and the Unnamed Stream POD. The other maps on your website only show the Unnamed Stream POD.

We have not changed either POD.

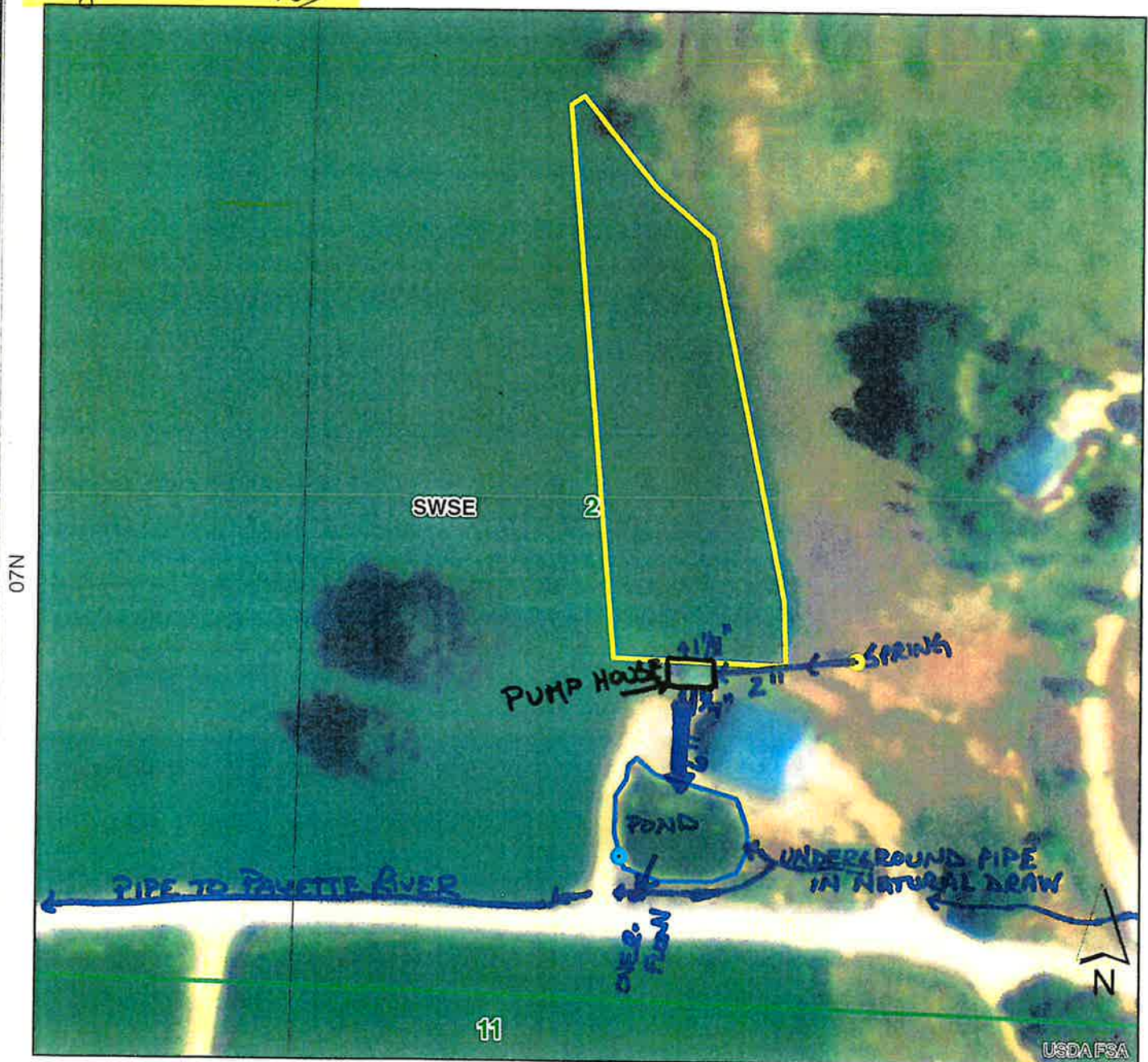
We have reduced the size of the irrigation parcel to allow for domestic use.

Transfer #65-13606

## 65-13606 Beneficial Use Field Report System Diagram &amp; Map

Original POW &amp; POD

02E



## Legend

- Unnamed Stream POD
- Spring POD
- Wildlife Storage POU
- Irrigation POU
- Townships
- PLS Sections
- Quarter Quarters

0 0.015 0.03 0.06 Miles

2011 Aerial Photo

Exam Date 07/30/2012

Transfer #65-13606

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

**A. GENERAL INFORMATION**

Permit No: 65-13606

Exam Date: 7/30/2012

1. Current Owner: FAULL RANCH ESTATES OWNERS ASSN INC  
PO BOX 88  
HORSESHOE BEND ID 83629  
(208) 793-3608
2. Accompanied by: GENE ROSS  
Phone No: (208) 793-3239  
Address: 21 WAVERLY DR HORSESHOE BEND ID 83629  
Relationship to Permit Holder: REPRESENTATIVE (LIVES ACROSS STREET FROM POU)
3. SOURCE TRIBUTARY  
SPRING PAYETTE RIVER  
UNNAMED STREAM PAYETTE RIVER

COPY

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: 65-23223 & 65-12842
2. Other water rights with the same point of diversion: NONE

**C. DIVERSION AND DELIVERY SYSTEM****1. LOCATION OF POINT(S) OF DIVERSION:**

|                |                 |         |          |               |
|----------------|-----------------|---------|----------|---------------|
| SPRING         | SW1/4SW1/4SE1/4 | Sec. 2, | Twp 07N, | Rge 02E, B.M. |
| BOISE County   |                 |         |          |               |
| UNNAMED STREAM | SW1/4SE1/4      | Sec. 2, | Twp 07N, | Rge 02E, B.M. |
| BOISE County   |                 |         |          |               |

Method of Determination: Aerial photo w/ field verification (UNNAMED STREAM)  
GPS Location N43° 57.9768' W116° 11.0310' Garmin model GPSmap 76 Datum NAD 83 (SPRING)

**2. PLACE OF USE: IRRIGATION**

| Twp | Rge | Sec | NE | NW | SW | SE | Totals |
|-----|-----|-----|----|----|----|----|--------|
| 07N | 02E | 2   | NE | NW | SW | SE | 1.0    |
|     |     |     |    |    |    |    | 1.0    |

Total Acres: 1.0

**PLACE OF USE: WILDLIFE STORAGE**

| Twp | Rge | Sec | NE | NW | SW | SE | Totals |
|-----|-----|-----|----|----|----|----|--------|
| 07N | 02E | 2   | NE | NW | SW | SE | X      |
|     |     |     |    |    |    |    |        |

~~DIVERSION TO STORAGE same as WILDLIFE STORAGE~~ AH u/20/14

Method of Determination: Aerial photo w/ field verification

3. X Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
- X Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
- X Aerial Photo Attached (required for irrigation of 10+ acres).
- X Photo of Diversion and System Attached

4. Well or Diversion

| ID No.* | Motor Make | Hp  | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------|------------|-----|------------------|-----------|-----------------------------------|
| N/A     | Unknown    | 3/4 | Unknown          | Unknown   | 1 1/4" discharge pipe from pump   |

\*Code to correspond with No. on map and aerial photo

#### D. FLOW MEASUREMENTS

1. Measurement Equipment

| Type                                                            | Make/Model No. | Serial No. | Size | Calib. Date |
|-----------------------------------------------------------------|----------------|------------|------|-------------|
| 5 Gallon Bucket & Stop Watch<br>(Spring – Diversion to Storage) | N/A            | N/A        | N/A  | N/A         |

2. Measurements: 1 Gallon in: #1 = 3.6 sec  
#2 = 3.2 sec  
#3 = 3.0 sec  
#4 = 3.4 sec  
#5 = 3.4 sec

#### E. FLOW CALCULATIONS

N/A Additional Computation Sheets Attached

**Measured Method: 5 Gallon Bucket (discharge into pond from spring fed pump house:**

1 Gallon in {Avg. Time [(3.6 + 3.2 + 3.0 + 3.4 + 3.4)/5]} 3.3 sec

$Q = (1 \text{ gal}/3.3 \text{ sec}) \times (60 \text{ sec}/1 \text{ min}) = 18.18 \text{ gpm} \times 1 \text{ cfs}/448.8 \text{ gpm} = \mathbf{0.04 \text{ cfs}}$

**Measured Method: Pipe Diameter Flow Estimation:**

Discharge Pipe Dia = 1 1/4 in

$A = \pi r^2 = 3.14 \times (1/2 \text{ Dia})^2 = \pi \times [(1.25 \text{ in} \div 2) \times 1 \text{ ft}/12 \text{ in}]^2 \approx 0.0085 \text{ ft}^2$

$V = 5 \text{ ft/sec}$  (est. for well designed closed pipe system)

$Q = AV = 0.0085 \text{ ft}^2 \times 5 \text{ ft/sec} = \mathbf{0.04 \text{ cfs}}$  est. flow through discharge pipe

5 Gallon Bucket Measurement = **0.04 cfs**

Pipe Diameter Flow Estimation = **0.04 cfs**

Permitted Rate = **0.17 cfs**

Beneficial Use Limit (irrigation) = 1.0 ac x 0.03 cfs/ac = **0.03 cfs** (No Beneficial Use Limit for Diversion to Storage)

Proof of Beneficial Use fee paid = \$50.00 = up to **0.20 cfs and/or 20 AF**

**Recommend Beneficial Use Limit Rate for Irrigation Use = 0.03 cfs**

**Recommend 5 Gallon Bucket Measurement Rate for Diversion to Storage Use = 0.04 cfs**

Discharge pipe from pump house to either irrigation line or diversion to storage line, i.e. water used either to irrigate or fill pond. Recommend total system rate of 0.04 cfs. No rate recommended for permitted stockwater use, because no livestock drink from pond.

## F. VOLUME CALCULATIONS

### 1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1.0 \text{ acres} \times 4.5 \text{ afa} = \mathbf{4.5 \text{ afa}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.03 \text{ cfs} \times 231 \text{ days} \times 1.9835 = \mathbf{13.7 \text{ afa}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 4.5 \text{ afa} < 13.7 \text{ afa} = \mathbf{\text{Recommend } 4.5 \text{ afa}}$$

Volume recommendation for irrigation use from surface water source not required per IDAPA 37.03.02 Beneficial Use Examination Rules. However, IDWR policy to include a volume for licensing in instances where other uses on the same license require volume recommendations.

### 2. Volume Calculations for Storage (Wildlife Storage):

Capacity based on general shape, surface area (SA) @ high water level (WL) elevation & average depth data:

General Shape = Flat Bottomed

SA @ high WL = 0.14 ac

Avg Depth = 8.0 ft

0.14 ac  $\times$  8.0 ft = **1.1 af**

Evaporation/Seepage Losses Volume:

SA  $\times$  3.5 afa/ac (standard irrigation consumptive use for area - 1:1 swap policy) = **0.5 af**

Total Storage = 1.1 af (capacity) + 0.5 af (losses est.) = **1.6 af**

Permitted Storage Volume = **1.5 af**

Proof of Beneficial Use fee paid = \$50.00 = up to **20 af**

Recommend Permitted Storage Volume = **1.5 af**

Reservoir fills via spring-fed pump house discharge pipe and/or flow from unnamed stream (on-stream storage) in natural draw. Recommend nature of use change from Stockwater Storage and Irrigation Storage to Wildlife Storage use, because no livestock drink from pond, no water is diverted from pond for irrigation use, and local wildlife such as deer, birds, etc. have access to pond for drinking water.

## G. NARRATIVE/REMARKS/COMMENTS

### SYSTEM DESCRIPTION:

System consists of an approximately 10 ft high berm built in the natural channel of an unnamed stream to provide means of on-stream storage for a pond that fills with water from the unnamed stream (minimal contribution) and water discharged from a pump house supplied with water from a spring. Water from the spring drains under force of gravity through a 1 1/2 inch line to the pump house where it is pooled underground and pumped with a 3/4 HP motor discharged through a 1 1/4 inch line to a closed pipeline irrigation system utilizing handline sprinklers for irrigation OR the 1 1/4 inch discharge line is piped to a 6 inch diameter pipe that discharges into the pond. Excess/overflow water from the pond is piped [via culvert(s) under road(s)] alongside Waverly Dr ultimately draining to the Payette River.

### IRRIGATION PRACTICES AND OTHER USES (LICENSING AMENDMENT RECOMMENDATION):

Mr. Ross indicated water from pump house is discharged through a closed pipeline system for irrigation of approximately 1 acre. When water is not being diverted for irrigation from the pump house, it is pumped and discharged to the pond. Water is not pumped from the pond for any uses. No stock drink water from the pond and water is not discharged to any troughs for stockwater purposes at time of examination. Rather than livestock, local wildlife (deer, birds, etc.) are able to drink from the pond. Therefore, I recommend licensing of irrigation, diversion to storage, and wildlife storage as beneficial uses occurring under this permit. Wildlife Storage was not permitted as a beneficial use. Therefore, a licensing amendment is necessary to change the nature of use for the permitted irrigation & stockwater storage uses to wildlife storage.

### OVERLAP:

There are no other uses of or diversions from the spring or on-stream unnamed stream point of diversion. There are no other sources of water for the pond. The 1 acre being irrigated with water from the spring is also irrigated from systems diverting Payette River (65-23223) and Porter Creek (65-12842) water. No combined use limitations (other than

**G. NARRATIVE/REMARKS/COMMENTS CONTINUED**

the standard irrigation rate and volume condition) are necessary as irrigation of the land is occurring from different sources.

**COMPLIANCE WITH PERMIT CONDITIONS:**

Permit condition requires installation of a lockable device to provide the watermaster suitable control of the diversion prior to diversion of water under this right. No lockable device is currently installed on the diversion works. Spoke with Ron Shurtliff (Watermaster Water District No. 65) who indicated modification of this condition to state a lockable device shall be installed upon notification for licensing of this permit is acceptable. Permit condition states stockwater use under this right is for 10 head of mixed stock. Recommend this condition be removed at licensing as stockwater was not a beneficial use developed under the permit. The place of use is located within Lot 1 Blk 1 of Fault Ranch No. 1 subdivision according to permit condition. There are no conditions regarding compliance with Dam Safety program regulations on the permit, however compliance with these regulations was considered. The dam/berm does not presently fall into regulatory authority since storage is less than 50 af and is considered a low hazard dam (if the dam breached nothing would likely be harmed downstream due to limited volume of water stored). To the best of my knowledge, owner has complied with all other permit conditions.

Have conditions of permit approval been met?   X   Yes\*        No

\* Once lockable device requirement condition is modified to upon notification language as acceptable per Watermaster.

**H. RECOMMENDATIONS****1. Recommended Amounts**

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 03/15 to 10/31       | 0.03 CFS              | 4.5 AF               |
| WILDLIFE STORAGE      | 01/01 to 12/31       | N/A                   | 1.5 AF               |
| DIVERSION TO STORAGE  | 01/01 to 12/31       | 0.04 CFS              | N/A                  |
| <u>Totals:</u>        |                      | 0.04 CFS              | 6.0 AF               |

**2. Recommended Amendments**

       Change P.D. as reflected above        Add P.D. as reflected above        None

       Change P.U. as reflected above        Add P.U. as reflected above   X   Other – Nature of Use Amendment

**I. AUTHENTICATION**

Field Examiner's Name



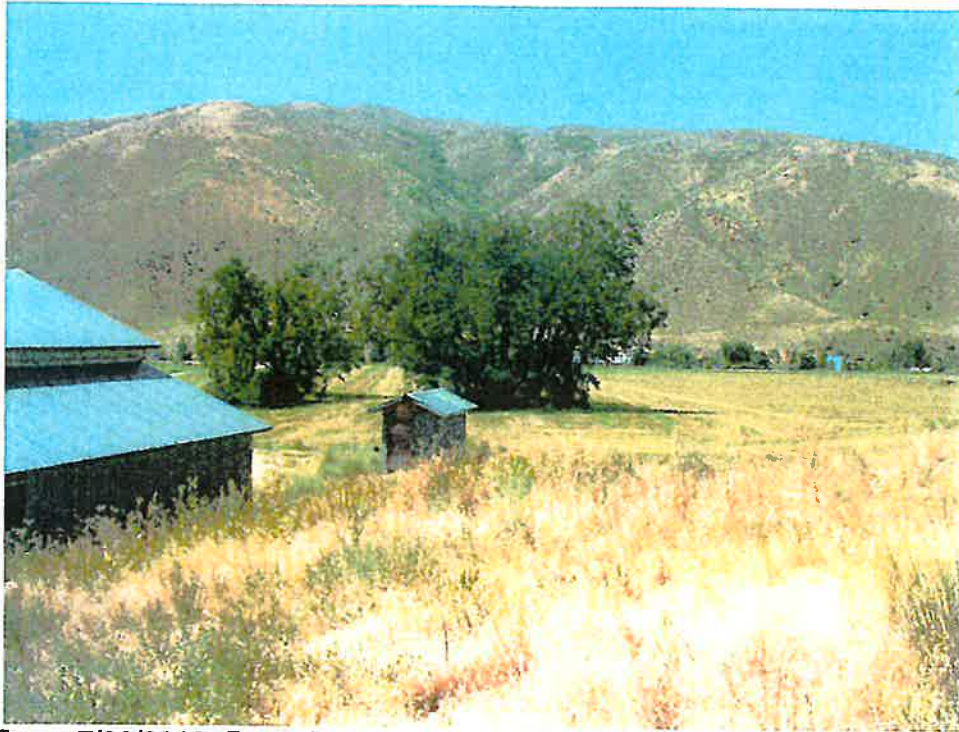
Date

6/20/2014

Reviewer

Date

## 65-13606 Beneficial Use Field Report Photos



**65-13606 Exam 7/30/2012:** Pump house (small building in photo middle-ground) from spring P/D facing west towards Payette River/Hwy 55. Portion of irrigated POU north of pump house towards right side of photo.



**65-13606 Exam 7/30/2012:** Portion of pond with spring discharge (from pump house) via 6 in PVC pipe in photo middle-ground from Waverly Dr facing northwest.

## Application for Transfer of Water Right

### Part 3, section B, Changes in nature of use (water balance)

#### Attachment #8a

The prior 1 acre crop has been alfalfa, which was watered with hand line impact sprinklers. We are seeking 0.6AFY of water for internal domestic use. This is the IDWR standard per house. We have reduced the irrigation acreage from 1 acre to 0.53 acre

$$259' \times 90' = 23,310 \text{ sf}, 23310 \text{ sf} / 43,560 (1 \text{ acre}) = 0.53 \text{ acre}$$

Historic beneficial use for alfalfa:

Garden Valley was used as geographic station, as it is closest to Horseshoe Bend. See attached chart #8a, from University of Idaho for calculations.

$$717\text{mm} \times 0.0032808 \text{ ft/mm} = 2.352 \text{ ft}$$

$$(\text{domestic in house use}) 0.6 \text{ af} / 2.352 \text{ af/acre} = 0.25 \text{ acres retired}$$

We are requesting a nature of use change for our spring. We are reducing the current irrigation allocation and transferring the excess over for internal domestic use at one 3,940 square foot home and approximately .03 acres of trees, bushes and flowers in the front yard.

Alfalfa was previously irrigated with hand line impact sprinklers. The POU size for this irrigation was 1 acre. We have now tiered the hillside into four level vegetable planting beds for a new reduced POU of .53 acre. This size is approximately 259' x 90' x 254' x 86' (see attached New POU map).

$$259' \times 90' = 23,310', 23,310 / 43,560 (1 \text{ acre}) = .53 \text{ acre}$$

Each tier (planting bed) will have approximately one 250' long by 1/2" emitter hose. Each hose has one emitter every 9", for a total of approximately 333 emitters per 250' length of hose. Each hose is capable of 1 gph per emitter, totaling 333 gph.

$$333 \text{ gph per tier} \times 4 \text{ tiers} (1 \text{ hour/tier}) = 1,332 \text{ gpd}$$

$$1,332 \text{ gpd} \times 7 \text{ days} = 9,324 \text{ gallons per week}$$

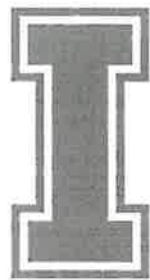
$$9,324 \text{ gallons per week} \times 33 \text{ weeks} (3/15-10/31) = 307,692 \text{ gallons}$$

$$307,692 \text{ gallons} / 325,850 (1\text{AF}) = .94 \text{ AF water needed for irrigation}$$

The .03 acre of trees, flowers and bushes are watered with drip emitters on a prescribed timer.

$$1,340' / 43,560 (1 \text{ acre}) = .03 \text{ acre}$$

Transfer #65-13606



# University of Idaho

Kimberly Research  
and Extension Center

Attachment #8a

Transfer # 65-13606

$$717 \text{ mm} \times 0.0032808 \text{ ft/mm} = 2.352 \text{ ft}$$

$$.6 \text{ af} / 2.352 \text{ af/acre} = 0.25 \text{ acres retired}$$

(internal domestic)

Water Resources Program

ETIdaho 2017

## Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for  
improving this site to robison at  
uidaho dot edu

2021-02-09 11:25

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Idaho.

### Garden Valley RS (NWS -- USC00103448)

Statistics based on thirty year normal spans 1978 to 2013 years

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

### Alfalfa - less frequent cuttings Precipitation Deficit (Click here for a graph)

|                                    | Jan    | Feb   | Mar  | Apr  | May  | Jun  | Jul  | Aug  | Sep  | Oct  | Nov   | Dec   | Growing Season <sup>a</sup> | Non Growing Season <sup>b</sup> | Annual |
|------------------------------------|--------|-------|------|------|------|------|------|------|------|------|-------|-------|-----------------------------|---------------------------------|--------|
| Mean <sup>j</sup>                  | mm/day |       |      |      |      |      |      |      |      |      |       |       | mm                          |                                 |        |
| Monthly <sup>c</sup>               | -0.28  | 0.06  | 0.17 | 1.28 | 3.75 | 4.47 | 5.94 | 4.57 | 3.23 | 0.22 | -1.42 | -0.74 | 717                         | -66                             | 652    |
| 15-Day Moving Average <sup>d</sup> | -0.27  | -0.01 | 0.16 | 1.19 | 3.76 | 4.71 | 6.09 | 4.29 | 3.26 | 0.14 | -1.41 | -0.71 |                             |                                 |        |
| 7-Day Moving Average <sup>e</sup>  | -0.29  | 0.00  | 0.17 | 1.22 | 3.77 | 4.62 | 6.03 | 4.41 | 3.26 | 0.18 | -1.43 | -0.73 |                             |                                 |        |
| 3-Day Moving Average <sup>f</sup>  | -0.28  | 0.05  | 0.16 | 1.27 | 3.75 | 4.52 | 5.96 | 4.54 | 3.25 | 0.21 | -1.40 | -0.74 |                             |                                 |        |

| Standard Deviation <sup>k</sup>    | mm/day |       |       |       |       |       |      |       |       |       |        |       | mm  |      |     |
|------------------------------------|--------|-------|-------|-------|-------|-------|------|-------|-------|-------|--------|-------|-----|------|-----|
| Monthly <sup>c</sup>               | 0.87   | 0.35  | 0.54  | 0.77  | 1.94  | 1.10  | 1.75 | 1.31  | 1.36  | 1.07  | 0.85   | 1.16  | 96  | 39   | 109 |
| 15-Day Moving Average <sup>d</sup> | 0.88   | 0.49  | 0.64  | 1.07  | 1.96  | 1.69  | 1.71 | 1.57  | 1.62  | 1.27  | 1.27   | 1.18  |     |      |     |
| 7-Day Moving Average <sup>e</sup>  | 1.15   | 0.83  | 1.04  | 1.55  | 2.44  | 2.20  | 1.98 | 2.13  | 2.05  | 1.90  | 2.00   | 1.67  |     |      |     |
| 3-Day Moving Average <sup>f</sup>  | 1.38   | 1.08  | 1.67  | 2.28  | 3.02  | 2.88  | 2.25 | 2.55  | 2.53  | 2.72  | 2.88   | 2.14  |     |      |     |
| 20% Exceedance <sup>l</sup>        | mm/day |       |       |       |       |       |      |       |       |       |        |       | mm  |      |     |
| Monthly <sup>c</sup>               | 0.04   | 0.35  | 0.52  | 1.86  | 4.65  | 5.30  | 7.04 | 4.78  | 4.20  | 0.88  | -0.85  | 0.00  | 815 | -28  | 762 |
| 15-Day Moving Average <sup>d</sup> | 0.27   | 0.62  | 1.16  | 2.74  | 6.41  | 7.35  | 8.31 | 6.78  | 5.10  | 2.40  | 0.44   | 0.27  |     |      |     |
| 7-Day Moving Average <sup>e</sup>  | 0.45   | 0.84  | 2.03  | 4.00  | 7.16  | 7.96  | 8.57 | 7.88  | 5.75  | 3.28  | 1.11   | 0.44  |     |      |     |
| 3-Day Moving Average <sup>f</sup>  | 0.55   | 1.02  | 3.06  | 5.07  | 7.89  | 8.57  | 9.00 | 8.25  | 6.36  | 3.80  | 1.31   | 0.55  |     |      |     |
| 80% Exceedance <sup>m</sup>        | mm/day |       |       |       |       |       |      |       |       |       |        |       | mm  |      |     |
| Monthly <sup>c</sup>               | -0.89  | -0.05 | -0.03 | 0.38  | 2.33  | 3.54  | 4.78 | 4.11  | 1.77  | -0.41 | -2.23  | -1.65 | 625 | -104 | 571 |
| 15-Day Moving Average <sup>d</sup> | -1.35  | -0.42 | -1.04 | -0.45 | -0.15 | 2.15  | 2.99 | 1.86  | 0.54  | -1.97 | -3.65  | -2.90 |     |      |     |
| 7-Day Moving Average <sup>e</sup>  | -3.86  | -1.40 | -2.44 | -2.49 | -1.20 | 0.36  | 2.25 | 0.82  | -0.80 | -4.49 | -6.57  | -5.75 |     |      |     |
| 3-Day Moving Average <sup>f</sup>  | -4.57  | -3.27 | -5.81 | -5.62 | -4.65 | -3.76 | 1.26 | -3.09 | -2.87 | -8.84 | -11.74 | -8.97 |     |      |     |
| Ave Highest P <sub>def</sub>       | mm/day |       |       |       |       |       |      |       |       |       |        |       | --  |      |     |
| 15-Day Moving Average <sup>g</sup> | 0.17   | 0.38  | 0.84  | 2.16  | 5.29  | 6.04  | 7.25 | 5.92  | 4.28  | 1.39  | 0.22   | 0.14  |     |      |     |
| 7-Day Moving Average <sup>h</sup>  | 0.34   | 0.76  | 1.57  | 3.28  | 6.39  | 7.12  | 7.96 | 7.14  | 5.11  | 2.44  | 0.63   | 0.31  |     |      |     |
| 3-Day Moving Average <sup>i</sup>  | 0.46   | 0.99  | 2.39  | 4.27  | 6.96  | 8.00  | 8.52 | 7.82  | 5.60  | 3.07  | 1.03   | 0.44  |     |      |     |
| Ave Lowest P <sub>def</sub>        | mm/day |       |       |       |       |       |      |       |       |       |        |       | --  |      |     |
| 15-Day Moving                      | -0.69  | -0.30 | -0.49 | 0.26  | 2.26  | 3.06  | 4.62 | 2.89  | 2.20  | -0.98 | -2.65  | -1.50 |     |      |     |

|                                                                                           |       |       |       |       |       |       |       |      |       |       |       |       |       |       |       |
|-------------------------------------------------------------------------------------------|-------|-------|-------|-------|-------|-------|-------|------|-------|-------|-------|-------|-------|-------|-------|
| Average <sup>g</sup>                                                                      |       |       |       |       |       |       |       |      |       |       |       |       |       |       |       |
| 7-Day Moving Average <sup>h</sup>                                                         | -1.38 | -0.99 | -1.49 | -0.98 | 0.44  | 1.21  | 3.52  | 1.87 | 0.87  | -2.38 | -4.71 | -2.85 |       |       |       |
| 3-Day Moving Average <sup>i</sup>                                                         | -2.44 | -2.09 | -3.68 | -3.40 | -2.29 | -1.27 | 2.32  | 0.43 | -1.25 | -5.46 | -8.39 | -5.12 |       |       |       |
| <b>Special normal distribution parameters for monthly, seasonal, and annual intervals</b> |       |       |       |       |       |       |       |      |       |       |       |       |       |       |       |
| Skew <sup>m</sup>                                                                         | -0.63 | -2.65 | -0.32 | 0.02  | -0.15 | -0.12 | -0.23 | 0.22 | -0.44 | -0.08 | -0.17 | -0.29 | -0.28 | -0.20 | -0.27 |
| Kurtosis <sup>o</sup>                                                                     | 1.21  | 13.41 | 0.89  | 2.13  | 0.94  | 2.33  | 0.68  | 1.24 | 2.49  | 0.56  | 2.78  | 0.60  | 1.90  | 2.44  | 2.02  |

<sup>a</sup> Growing Season: This is usually the time from green up or planting in the spring to a killing frost or harvest in the fall. It is not applicable for entries without a growing season and will be blank.

<sup>b</sup> Nongrowing Season: This is usually the time from a killing frost or harvest in the fall to the of green up in the spring. It is not applicable for entries without a growing season.

<sup>c</sup> Mean of the average daily value for month

<sup>d</sup> Mean of the fourteen 15-day period averages contained in the month

<sup>e</sup> Mean of the twenty three 7-day period averages contained in the month

<sup>f</sup> Mean of the twenty seven 3-day period averages contained in the month

<sup>g</sup> Mean of the highest/lowest 15-day period average in month

<sup>h</sup> Mean of the highest/lowest 7-day period average in month

<sup>i</sup> Mean of the highest/lowest 3-day period average in month

<sup>j</sup> This value represents the *mean value* for the parameter for the month over the 'normal' period of record. Generally, the 'normal' period is the last thirty years with data.

<sup>k</sup> This value represents the *standard deviation* for the parameter for the month over the 'normal' period.

<sup>l</sup> This value represents the *value* for the parameter that has a 20% chance of being exceeded that month during any particular year. Conversely, there is an 80% chance that the parameter value will be less than the *value* shown.

<sup>m</sup> This value represents the *value* for the parameter that has a 80% chance of being exceeded that month during any particular year. Conversely, there is an 20% chance that the parameter value will be less than the *value* shown.

<sup>n</sup> This value represents the *skewness (asymmetry) of the distribution of the parameter values* for the month (year) over the 'normal' period. A value near zero indicates that the distribution approximates a normal (Gaussian) and symmetrical distribution. A negative skew indicates that the parameter distribution has relatively few low values compared to high values. A positive skew indicates that the distribution has relatively few high values compared to the number of low values. A skew value near 1 indicates that the underlying distribution approximates a lognormal distribution.

<sup>o</sup> This value represents the *kurtosis* of the parameter value distribution for the month (year) over the 'normal' period. Kurtosis is a measurement of the height to width ratio of the probability distribution, or the *peakedness (slenderness)*. A normal (Gaussian) distribution has a kurtosis of 3. A high kurtosis distribution has a sharper peak and longer tails, while a low kurtosis distribution has a more rounded peak and shorter tails.

---

*This work and report were prepared by the University of Idaho Research and Extension Center at Kimberly, Idaho under contract with the Idaho Department of Water Resources. Work was supported by funding from IDWR and the Idaho Agricultural Experiment Station and Idaho Engineering Experiment Station. The authors gratefully acknowledge the long-term evapotranspiration data collection and long-standing advice provided by Dr. James L. Wright, USDA-ARS Kimberly (ret.), the more than two decades of high quality agricultural weather data collection by the U.S. Bureau of Reclamation AgriMet system, and the very long-standing, routine data collection by the hundreds of cooperative weather station volunteers across the state who, for more than one-hundred years, have faithfully observed daily air temperature and precipitation.*

*The citation for the evapotranspiration data used from this site should be: Allen, Richard G. and Clarence W. Robison, 2017. **Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho: Supplement updating the Time Series through December 2016**, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.*

*Questions regarding the data should be addressed to [Richard G. Allen](#), or [Clarence W. Robison](#) University of Idaho, Kimberly Research and Extension Center, 3793 North 3600 East, Kimberly, ID 83341. Telephone (208)-423-6610*

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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](mailto:westerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Gary Spackman**

September 16, 2021

DAVE OELSCHLEGAL  
DONNA OELSCHLEGAL  
PO BOX 398  
HORSESHOE BEND ID 83629-0398

**Re: Withdrawal of Application for Transfer No. 84751**

Dear Applicant:

The department has received your recent withdrawal of the above-referenced application. For your convenience, a copy of the application and the withdrawal are enclosed, and a refund has been requested to be sent to you.

This action classifies the application as null, void, and of no further consideration by the department. Please feel free to contact our office at 208-334-2190 if you have additional questions in this matter. Also, more information about water rights and other matters administered by this agency is available on the Internet at [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

Sincerely,

Denise Lauerman  
Administrative Assistant  
Western Regional Office

Enclosures



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](mailto:westerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Gary Spackman**

August 17, 2021

DAVE AND DONNA OELSCHLEGAL  
PO BOX 398  
HORSESHOE BEND, ID 83629-0398

Re: Withdrawal of Application for Transfer No. 84751

Dear Applicants:

The Department has received your recent withdrawal of the above referenced transfer application. For your convenience a copy of the withdrawal and application are enclosed. The filing fee received with the application has been applied to the ownership change you filed for water right 65-3944. Please note, \$25 of the fee paid on February 10, 2021 (receipt W049088) will be applied to your ownership change application and a refund request in the amount of \$425 has also been submitted for processing. Upon approval, it will be sent to you under separate cover.

Please contact our office at 208-334-2190 if you have additional questions in this matter. Also, more information about water rights and other matters administered by this agency is available on the Internet at [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

Sincerely,

Allen Bradbury  
Water Resource Agent, Sr.  
Western Region

Enclosures

## MEMORANDUM

TO: IDWR payable

FROM: Allen Bradbury

DATE: 8/17/2021

RE: **Refund Request: Application for Transfer**

On February 10, 2021, Dave and Donna Oelschlegal filed an application for transfer of water right 65-13606 to change the nature of use of 0.04 cfs from irrigation to domestic. They pay paid a fee of \$450. The application for transfer was withdrawn by the applicant on August 17, 2021. The Oelschlegal's have filed a new ownership change application for water right 65-3944.

Please modify receipt # W049088, and apply \$25 from the Application for Transfer #84751 to cover the ownership change fee. A partial refund should be issued.

Please issue a refund of \$425 to:

TO

DAVE AND DONNA OELSCHLEGAL  
PO BOX 398  
HORSESHOE BEND, ID 83629-0398

TEL. 760-578-3646

RECEIPT

Receipt no. W049088

Copy: app # 84751

RECEIVED

AUG 17 2021

WATER RESOURCES  
WESTERN REGION

WITHDRAWAL

OF

APPLICATION FOR TRANSFER OF WATER RIGHT(S)

I/We, David Oelschlegel and Donna Oelschlegel  
(Applicant's Printed Name) (Applicant's Printed Name)

\_\_\_\_\_ and \_\_\_\_\_  
(Applicant's Printed Name) (Applicant's Printed Name)

hereby withdraw our Application for Transfer No. 84751 of Water Right

No(s). 65-13606

Signed this 17 day of August, 20 21.

David Oelschlegel, TEE  
(Signature/Title of Applicant)

Donna Oelschlegel, TEE  
(Signature/Title of Applicant)

\_\_\_\_\_  
(Signature/Title of Applicant)

\_\_\_\_\_  
(Signature/Title of Applicant)

## MEMORANDUM

DRAFT  
Do Not Copy

TO: Transfer No. 84751  
FROM: Allen Bradbury  
DATE: 7/26/2021  
RE: Evaluation of Application

---

### Summary of Application Proposal

This transfer proposes to change the nature of use for water right 65-13606 which is diverted from a spring. The applicant proposes a partial transfer of the nature of use from irrigation to domestic use. The proposal is to extract 0.5 acres of a 1 acre irrigation use to a domestic use. Water will be used at the current place of use approximately 4.2 miles north of Horseshoe Bend, Idaho in Boise County about 0.2 miles east of ID Hwy 55 at 20 Waverly Drive.

### Summary of Information Submitted

**Authority to File:** The application was filed in the name of The Oelschlegal Living Trust by co-trustees David Oelschlegal and Donna Oelschlegal, P.O Box 398, Horseshoe Bend, ID 83629. The applicant is listed as the current water right holder of record for the water right involved in this application. Tax parcel information obtained by the Department and dated 10/31/2020 show the property owned by Oelschlegal Living Trust, Oelschlegal David R. The property is otherwise identified as Block 1, Lot 1 of Faull Ranch No. 1 Subdivision. The applicant owns all property associated with the places of use, however the according to Department GIS tax parcel boundaries the POD is located 25 feet inside the neighbor's property to the east.

**Water Right Validity/Historical Beneficial Use:** Water right 65-13606 was licensed on 12/10/2014. At least portion of the POU appears to be overlapped by Faull Ranch Estates Owners Assn. Inc. water right 65-23223 for irrigation from 3/15 to 11/15. A beneficial use field exam was completed on 7/30/2012 at that time 1.0 acre was irrigated with water from the spring and also irrigated from systems diverting Payette River (65-23223) and Porter Creek (65-12842) water. The wildlife storage surface area was reported to cover about 0.14 acres. Recent aerial photography 2013 through 2017 show continual irrigation of the property confirming that beneficial use has occurred within the last 5 years. The 2019 aerial imagery shows the addition of a house and driveway.

**Injury to Other Water Rights:** Injury to other water rights is not likely as a result of this transfer. The application does not intend to increase the number of acres irrigated or the amount of water to be diverted. This change in the nature of use does not affect the amount of water available, the source or change the point of diversion or place of use. The applicant is transferring a portion of irrigation to domestic use, no injury is anticipated to surrounding wells or springs or water rights.

**Enlargement of Use:** The transfer proposed does not increase the amount of water that has been historically used because it decreases the size of the original 1 acre POU to 1/2 acre. There is no increase to diversion rate, and slight decreases in volume proposed by this transfer. The period of use will not be changed as a result of this transfer. The nature of use of the water right will be altered by this transfer to include domestic use. For these reasons, an enlargement of use is not anticipated as a result of this transfer. *- This 1/2 ac changed gals from 3/15-10/31 to 1/1-12/31*

**Local Public Interest:** The intent of the beneficial use is to enhance recreational opportunity. There are no anticipated negative impacts to recreation, fish, or wildlife as a result of this transfer. There is no indication that any applicable water or hazardous substance standards designed to protect water resources would be violated. This transfer is compatible with the objectives and policies of the State Water Plan. It

is within the local public interest to allow private properties to develop their property and use their water rights to the fullest extent which in turn benefits the public at large. None of the available information suggests a conflict with the local public interest.

**Beneficial Use/Conservation of Water Resources:** No issues were identified. 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 of Application Approval / Denial**

**Overlap Analysis:** Also irrigated from systems diverting Payette River (65-23223) and Porter Creek (65-12842) water. Water right 65-3944 is a domestic water right from a spring within T07NR02E Sec. 2 SWSE also identified as parcel no. RP07N02E029050A. However, a search of tax parcel numbers in section 2 did not find that number or any parcel with a similar number which it might reveal a split.

#### **Discussion**

##### **Conditions**

Condition 004 was added as per department licensing standards.

Assuming no other information contradicts the above analysis, the application can be approved as reflected by the draft approval.

## MEMORANDUM

**Date:** August 4, 2021  
**To:** Transfer 84751  
**From:** Allen Bradbury  
**Re:** Legal Notice Remarks

The purpose of the transfer is to change the nature of use for a portion of water right 65-13606 which is diverted from a spring. The applicant proposes a partial transfer from irrigation to domestic use. The unchanged portion of the right will remain on land near the current place of use approximately 4.2 miles north of Horseshoe Bend, Idaho in Boise County about 0.2 miles east of ID Hwy 55 at 20 Waverly Drive.

**Novak, Shilynn**

*Additional info regarding  
ownership changes. Oc completed  
by SO 3-1-21.*

**From:** Judd, Debbi  
**Sent:** Monday, March 1, 2021 10:05 AM  
**To:** Donna Oelschlegal  
**Cc:** Novak, Shilynn  
**Subject:** RE: Oelschlegal 65-13606

You're welcome, Donna. An acknowledgement letter is going out in today's mail. The agent assigned to process your application for transfer is Shilynn Novak at our Western regional office in Boise.

Have a great day,  
Debbi

**From:** Donna Oelschlegal [mailto:[ledulcevita@gmail.com](mailto:ledulcevita@gmail.com)]  
**Sent:** Sunday, February 28, 2021 1:08 PM  
**To:** Judd, Debbi <[Debbi.Judd@idwr.idaho.gov](mailto:Debbi.Judd@idwr.idaho.gov)>  
**Subject:** Re: Oelschlegal 65-13606

Hi Debbi,  
We just wanted to say 'thanks' for getting our change in ownership processed so quickly ! We really appreciate your time.  
Do you know who is handling our Change in Nature of Use application ?  
Looking forward to getting this part completed also.  
Regards,  
Dave and Donna Oelschlegal

On Fri, Feb 26, 2021, 9:10 AM Donna Oelschlegal <[ledulcevita@gmail.com](mailto:ledulcevita@gmail.com)> wrote:

Wonderful, thank you so much !  
Have a nice weekend :)  
Donna

On Fri, Feb 26, 2021, 9:03 AM Judd, Debbi <[Debbi.Judd@idwr.idaho.gov](mailto:Debbi.Judd@idwr.idaho.gov)> wrote:

Thanks Donna. I should be able to finalize the ownership change today. I'm ccing the agent that has been assigned the transfer so she knows.

Have a great day,

Debbi

Debbi

**From:** Donna Oelschlegal [mailto:[ledulcevita@gmail.com](mailto:ledulcevita@gmail.com)]  
**Sent:** Tuesday, February 23, 2021 11:38 AM  
**To:** Judd, Debbi <[Debbi.Judd@idwr.idaho.gov](mailto:Debbi.Judd@idwr.idaho.gov)>  
**Subject:** Re: Change in ownership rights, Oelschlegal 65-13606

Hello

Our attorney is writing up the document for quit claim of water right. Should be done this week:)

Thanks

Donna Oelschlegal

On Mon, Feb 22, 2021, 8:58 AM Donna Oelschlegal <[ledulcevita@gmail.com](mailto:ledulcevita@gmail.com)> wrote:

Ok, I will contact our attorney.

Thanks!

Donna

On Mon, Feb 22, 2021, 8:36 AM Judd, Debbi <[Debbi.Judd@idwr.idaho.gov](mailto:Debbi.Judd@idwr.idaho.gov)> wrote:

Donna,

An Assignment of Application for Transfer is not used for ownership of water rights, only for an application for a transfer (a transfer is a Department water right process, not an ownership change). The Department does not have a form for conveying a water right (e.g. water right deed), as it is a private legal issue. Being a legal issue, the Department cannot give legal advice, that would best be obtained through an attorney.

Thanks,

Debbi

Hello Debbie,

We met with HOA president today and discussed our spring water right issue. We are having a meeting Feb 20 and he will present to members a request to deed the spring to us.... I will let you know the outcome.

Can we have an extension for the change in ownership application until we find out their answer?

Thanks,

Dave and Donna Oelschlegal

On Thu, Feb 11, 2021, 8:24 PM Donna Oelschlegal <[ledulcevida@gmail.com](mailto:ledulcevida@gmail.com)> wrote:

**Will do, thanks!**

On Thu, Feb 11, 2021 at 3:20 PM Judd, Debbi <[Debbi.Judd@idwr.idaho.gov](mailto:Debbi.Judd@idwr.idaho.gov)> wrote:

Donna,

That is a good option. Keep me posted and best of luck!

Debbi

**From:** Donna Oelschlegal [mailto:[ledulcevida@gmail.com](mailto:ledulcevida@gmail.com)]

**Sent:** Thursday, February 11, 2021 3:24 PM

**To:** Judd, Debbi <[Debbi.Judd@idwr.idaho.gov](mailto:Debbi.Judd@idwr.idaho.gov)>

**Subject:** Re: Change in ownership rights, Oelschlegal 65-13606

Debbi,

We will start with the Association to see if they will deed the water right to us...

Thanks so much!

I saw in other Faull Ranch water rights that other owners assigned their irrigation water rights to Faull Ranch. What would have been the purpose of this?

Can we apply for a separate domestic right in our name?

We have submitted an application for transfer of right for change in nature of use for domestic by reducing irrigation allocation. We just want domestic on the right, even if it is in the association name if that is what it comes down to....

So should we leave it as is and just focus on the transfer of water right? If so, what information does the department need for the association contacts?

Thanks for your help!

Donna Oelschlegal

On Thu, Feb 11, 2021, 10:08 AM Judd, Debbi <[Debbi.Judd@idwr.idaho.gov](mailto:Debbi.Judd@idwr.idaho.gov)> wrote:

Good morning Donna,

The history of this water right is somewhat confusing. When it was in the permit stage, the permit holder was Leo T. Oliver. In 2005, Leo Oliver assigned the permit to Faull Ranch Estates Owners Assn. Inc. The permit was licensed in 2014 in the name of Faull Ranch Estates Owners Assn. Inc., which is the current water right owner. In reviewing the backfile, it was noted that although the property owner was Tom Oliver, the permit owner was Faull Ranch Estates Owners Assn. Inc. as the permit had been assigned to them. One way to resolve this would be to have Faull Ranch Estates Assn. Inc. deed the water right only to you. The deed you provided satisfies property ownership, but the water right is not in the name of the Olivers. You can view all of the documents associated with this water right on our website via the water rights search. Please feel free to contact me if you need assistance with that search or further assistance with the ownership change.

Thanks,

Debbi

**From:** Donna Oelschlegal [mailto:[ledulcevida@gmail.com](mailto:ledulcevida@gmail.com)]

**Sent:** Wednesday, February 10, 2021 4:37 PM

*Donna and Dave Oelschlegal*

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*Donna Oelschlegal*

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*Donna Oelschlegal*

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*Donna Oelschlegal*

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*Donna Oelschlegal*