

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED**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)** Cline Waddell Phone 208 452-5013

2. **MAILING ADDRESS** 5125 Hwy 95 City Fruitland

State ID Zip 83619 Email clinem@fmtc.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)** 65-22388

- ☒ 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 .5cfs 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 #
	<u>1Axb</u>	<u>SE</u>	<u>SE</u>	<u>NE</u>	<u>16</u>	<u>7</u>	<u>5</u>	<u>Payette</u>	<u>Big Whitley Gulch</u>	

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:

Pump from pond - 15 horse power pump with maximum of 25 gmp

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

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

- 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.

Cline Waddell
Signature of applicant or authorized agent

Cline Waddell
Print name and title if applicable

4/27/21
Date

Signature of applicant or authorized agent

Print name and title if applicable

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 4 pages of attachments.

Received by KU

Date 5-3-21

Fee paid 50 Date 5-3-21

Received by KU

Receipt # C110338200466

Preliminary review by AK

Date 6-9-2021

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)

85034



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

4/27/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 65-22388

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLINE M WADDELL 5125 HWY 95 FRUITLAND, ID 83619 2084525013
Original Owner	CHARLES V ENGBESBY 2050 U ST HEYBURN, ID 83336-7622 2086789413

Priority Date: 02/01/1951

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WHITLEY GULCH CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.5 CFS	
Total Diversion			0.5 CFS	

Location of Point(s) of Diversion:

BIG WHITLEY GULCH CREEK|NESW|Sec. 15|Township 07N|Range 05W|PAYETTE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION PAYETTE County

85034

<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	05W	16		SENE	11									
				NESE	14									

Total Acres: 25

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. This right is the result of a split for a portion of 65-02548. DB 5/11/2001
3. W14 USE OF THIS RIGHT IS COMBINED WITH WATER FROM BLACK CANYON IRRIGATION DISTRICT.

Dates:

Licensed Date:

Decreed Date: 06/26/2002

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:

85034

Cary Act Number:

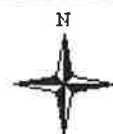
Mitigation Plan: False



Map of T160

85034

0.04 0 0.04 0.08 0.12 0.16 Miles



Map Printed: Jul 20, 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

September 10, 2021

CLINE M WADDELL
5125 HWY 95
FRUITLAND, ID 83619

**RE: Transfer No. 85034
Water Right No. 65-22388**

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the INDEPENDENT ENTERPRISE on 9/15/2021 and 9/22/2021. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Lauerman
Administrative Assistant



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 10, 2021

BLACK CANYON IRRIGATION DISTRICT
PO BOX 226
NOTUS, ID 83656

RE: Transfer No. 85034
Water Right No. 65-22388

Dear Interested Party:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,


Denise Lauerman
Administrative Assistant

Enclosure

CC:

BLACK CANYON IRRIGATION DISTRICT
C/O SAWTOOTH LAW OFFICES PLLC
ATTN ANDREW WALDERA
1101 W RIVER ST STE 110
PO BOX 7985
BOISE, ID 83702

State of Idaho
Department of Water Resources
RECOMMENDATION FORM

RE: Transfer No. 85034
Water Right No. 65-22388

New Appropriation Applicant's
Name:

CLINE M WADDELL
5125 HWY 95
FRUITLAND, ID 83619

Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned
as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this _____ day of _____.

Signature



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Gary Spackman

September 10, 2021

DONNA J SURMEIER
DALTON J SURMEIER
1610 SW 2ND AVE
FRUITLAND, ID 83619

RE: Transfer No. 85034
Water Right No. 65-22388

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Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Lauerman
Administrative Assistant

Enclosure



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 10, 2021

LEONA REEVE
LEO A REEVE
RT 1 SW 2ND AVE
FRUITLAND, ID 83619

RE: Transfer No. 85034
Water Right No. 65-22388

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IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Lauerman
Administrative Assistant

Enclosure

Lauerman, Denise

From: Lauerman, Denise
Sent: Friday, September 10, 2021 11:54 AM
To: Brooke Watkins
Subject: FW: PAYETTE COUNTY Legal Notice - Application for Transfer No. 85034; Water Right No(s). 65-22388
Attachments: Cover Letter Payette County TR85034.docx; Legal Notice Payette County TR85034.docx

Good morning,

Please see the attached ad for publication on 09/15/2021 and 09/22/2021.

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 10/04/2021. Your cooperation is appreciated.

Please confirm this is okay to publish as shown and send confirmation and all other correspondence to this email.

Thanks much!
Denise

Denise Lauerman | *Administrative Assistant*
Idaho Dept. of Water Resources - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334.2190 | denise.lauerman@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

September 10, 2021

LEGAL NOTICE DEPARTMENT
INDEPENDENT ENTERPRISE
124 S MAIN
PAYETTE, ID 83661

RE: Transfer No. 85034
Water Right No. 65-22388

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 10/4/2021. Your cooperation is appreciated.

Sincerely,

Denise Lauerman
Administrative Assistant

Enclosures

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85034**

CLINE M WADDELL, 5125 HWY 95, FRUITLAND, ID 83619 has filed **Application No. 85034** for changes to the following **water rights within PAYETTE County(s): Right No(s). 65-22388**; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:

The purpose of the transfer is to move the POD of water right 65-22388 approximately 0.6 miles downstream of the current POD on Big Whitley Gulch . Water will be used at the current place of use approximately 1 mile east of the Snake River and approximately 0.5 miles northwest of the intersection of Glenway Ave. and US Hwy 95.

For additional information concerning the property location, contact Western Region office at (208)334-2190. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 10/4/2021. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

Published on 9/15/2021 and 9/22/2021

MEMORANDUM

TO: Water Right File: 65-22388, Transfer File: 85034

FROM: Anna Kaiser

DATE: September 1, 2021

RE: POU Clarification

On June 1, 2021, Cline Waddell (Applicant) submitted a transfer to change the point of diversion (POD) of water right 65-22388.

IDWR's GIS imagery maps the place of use (POU) of water right 65-22388 to the entire NESE and SENE quarter-quarters of Twp. 07N, Rge 05W, Sec 16 without specifying the decreed 25-acre POU shape. Water right 65-22388 was split from water right 65-2548. The backfiled documents for right 65-2548 contains the true POU shape (see attached map). Since no transfer has previously been processed on water right 65-22388, we can assume the portion of the backfiled 65-2548 POU shape overlapping the Applicant's property is the true POU of water right 65-22388.

On July 15, 2021, I contacted the Applicant to inform him of the true POU of 65-22388 and give him the option to transfer the POU of 65-22388 in addition to the POD.

On September 1, 2021, the Applicant informed me via telephone that the current POU reflects the area he intends to irrigate and that he does not wish to include a POU change to his transfer at this time.

IDWR will continue processing transfer 85034, updating the shape of water right 65-22388 to reflect the portion of the shape outlined on the attached map that overlaps the Applicant's property.

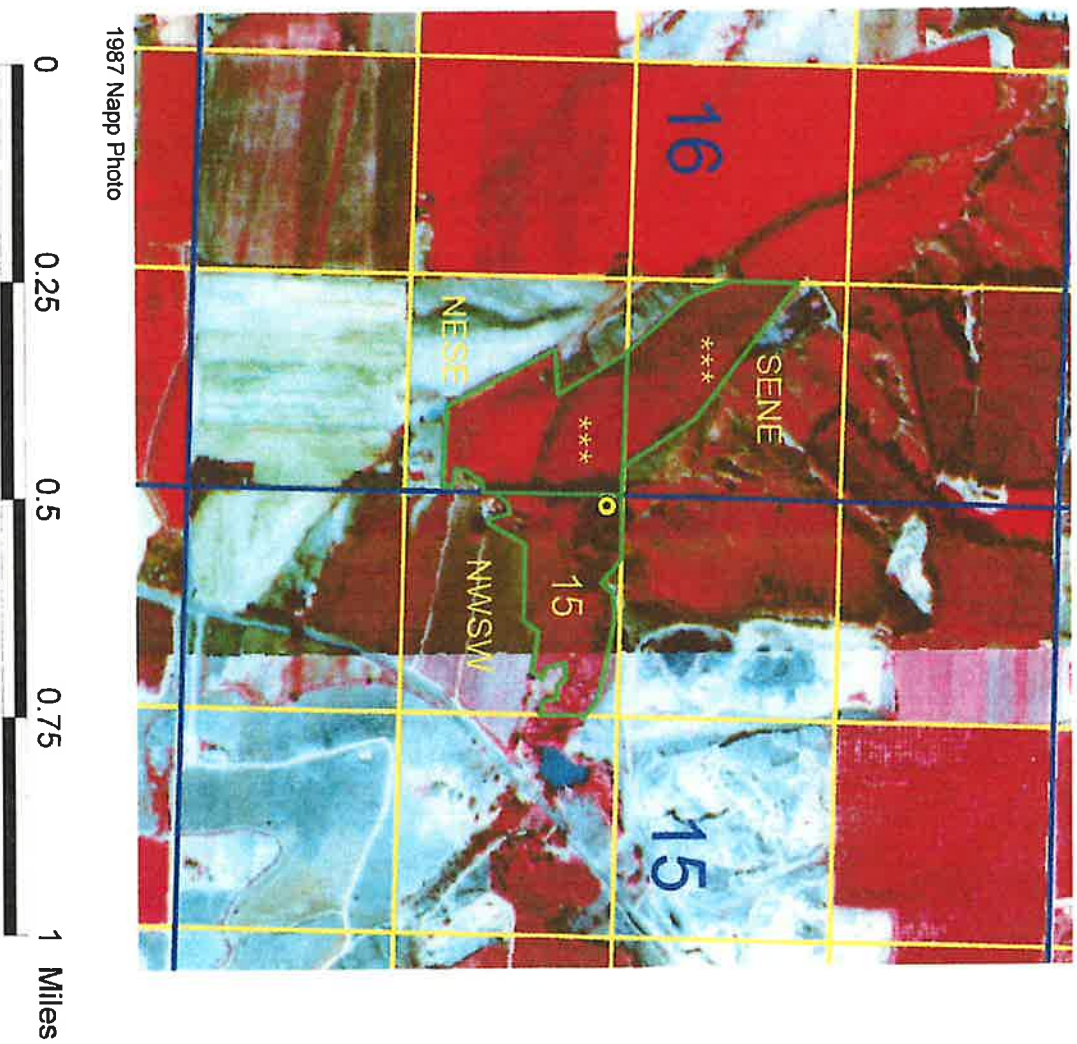
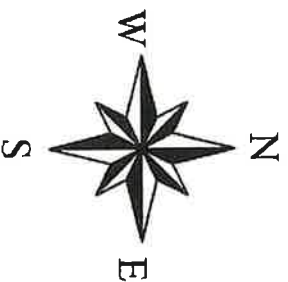
Idaho Department of Water Resources

Claim Number: 65-02548

Legal: T07N, R05W, S15 & 16

Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



Kaiser, Anna

From: Kaiser, Anna
Sent: Thursday, July 15, 2021 3:24 PM
To: 'clinem@fmtc.com'
Subject: Transfer Application- Place of use clarification
Attachments: POU Shape.pdf; application-for-transfer-of-a-water-right.pdf; application-for-transfer-of-a-water-right-instructions.pdf

Dear Applicant,

The Department of Water Resources (Department) received your completed transfer application no. 85034 proposing a point of diversion (POD) transfer to water right no. 65-22388. One thing I want to bring to your attention before the Department continues processing this application is the decreed place of use (POU) shape for right 65-22388. Our mapping records currently do not specify the POU for your right, but the Department has a map on file that we must use when considering your right.

The attached map shows the POU of water right 65-2548 as was decreed by the Department. Your water right (no. 65-22388) was split from right 65-2548. The true shape of water right no. 65-22388 is the NESE and SENE quarter-quarters of the attached map. *(NOTE: the NWSW portion is not a part of your right)*

If you plan to use water within the area as it is drawn on the attached map (considering only the portion relevant to your property), no action from you is needed. If you wish to change the POU. Please complete and submit the attached form. It is an extended version of the form you have already submitted. The Department requires no additional fee if you do choose to transfer the POD of your right.

You may submit completed forms by mail or in person to the address below. Since the Department already has your signature on file, you may email a scanned copy of the completed form to me at anna.kaiser@idwr.idaho.gov. If I do not receive a response from you within the next 30 days, the Department will continue processing your transfer application as it has been submitted at this time.

Please do not hesitate to contact me with any questions you may have at this time.

Thank you,
Anna

Anna Kaiser | Water Resource Agent
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE

Governor

May 13, 2021

CAROL SPACKMAN
Director

RECEIVED

JUN 01 2021

DEPARTMENT OF
WATER RESOURCES

RECEIVED

JUN 02 2021

WATER RESOURCES
WESTERN REGION

CLINE WADDELL
5125 HWY 95
FRUITLAND ID 83619

Re: Transfer Application Additional Fee Required

Dear Applicant:

The Idaho Department of Water Resources (Department) received your transfer application on May 5, 2021. After the initial review of your application, the Department determined additional payment is required for the processing of this transfer. The \$50.00 fee described in part 9 of the Application for Transfer form applies only to applications proposing correction to the legal description of a water right- resulting in no changes to the physical right (Idaho Code 42-2221.O.8). Your application proposes transferring the physical point of diversion of a water right. Therefore, your application fee will be determined by the application filing fees provided in Idaho Code 42-221.O.1 – 42.221.O.6 and outlined on the Department's Application for Transfer or Exchange Fee Schedule enclosed with this letter.

Your transfer application proposes changes to a 0.5 cfs water right. The Department requires a \$500.000 fee to process transfers of water rights with a flow rate between 0.21 and 1.00 cfs. Please submit an additional \$450.00 to the Idaho Department of Water Resources Western Regional Office addressed below.

Please submit the necessary remaining fee by mail or in person to the address listed below. If you have any questions please do not hesitate to call me at (208)-334-2190 or email me at anna.kaiser@idwr.idaho.gov.

You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be returned and refunded without a timely written reply within the next thirty (30) days.

Sincerely,

Anna Kaiser

Water Resource Agent

Idaho Dept. of Water Resources | Western Regional Office
2735 W Airport Way, Boise ID 83705

Enclosures: (1) Application for Transfer Fee Schedule

* Enclosed: \$450.00 (C110466)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE

Governor

May 13, 2021

GARY SPACKMAN

Director

CLINE WADDELL
5125 HWY 95
FRUITLAND ID 83619

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Sincerely,

Anna Kaiser

Water Resource Agent

Idaho Dept. of Water Resources | Western Regional Office

2735 W Airport Way, Boise ID 83705

Enclosures: (1) Application for Transfer Fee Schedule