

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84749**

This is to certify that: JAMES B JOLLY III
27205 WINGSETTER LN
PARMA, ID 83660-6610

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-32562	WR/LICENSE	10/23/2006	0.960 cfs	112.9 af	N/A	N/A	ROSS EAST END DRAIN

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-32562	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-32562	63-32562	0.960 cfs	112.9 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		N/A	112.9 af	N/A	N/A		N/A	N/A	N/A	N/A

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

Dated this 30th day of August, 2021.


NICK MILLER, Western Regional Manager

WATER RIGHT NO. 63-32562**As Modified by Transfer No. 84749**

In accordance with the approval of Transfer No. 84749, Water Right No. 63-32562 is now described as follows:

Right Holder: JAMES B JOLLY III
27205 WINGSETTER LN
PARMA, ID 83660-6610

Priority Date: 10/23/2006

Source: ROSS EAST END DRAIN

Tributary: SOUTH BOISE DRAIN

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DIVERSION TO STORAGE	09/01	to 02/28	0.960 cfs	
WILDLIFE	09/01	to 02/28	0.270 cfs	96.9 af
WILDLIFE STORAGE	09/01	to 02/28		16.0 af
			0.960 cfs	112.9 af

LOCATION OF POINT(S) OF DIVERSION

ROSS EAST END DRAIN L7 (SESW) Sec 17 Twp 05N Rge 05W CANYON County
ROSS EAST END DRAIN L7 (SESW) Sec 17 Twp 05N Rge 05W CANYON County

PLACE OF USE: WILDLIFE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05W	17									X								
											L 6								

PLACE OF USE: WILDLIFE STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05W	17									X								
											L 6								0

CONDITIONS OF APPROVAL

- Right 63-32562 authorizes a total annual diversion volume of 112.9 acre-feet; 16.0 acre-feet wildlife storage volume to be used for the initial filling or carryover storage of the wildlife field flooding, 16.0 acre-feet wildlife volume to be used for the replacement of losses caused by seepage and evaporation, and 80.9 acre-feet wildlife volume to be used as flow through water for the system.
- The wildlife field flooding established by the storage of water under this right shall not exceed a total storage capacity of 16 acre-feet and a total surface area of 4.0 acres.

Transfer No. 84749

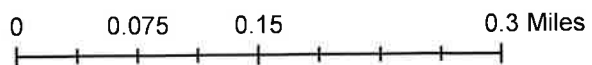
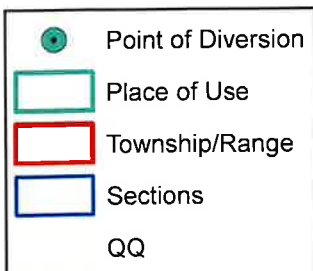
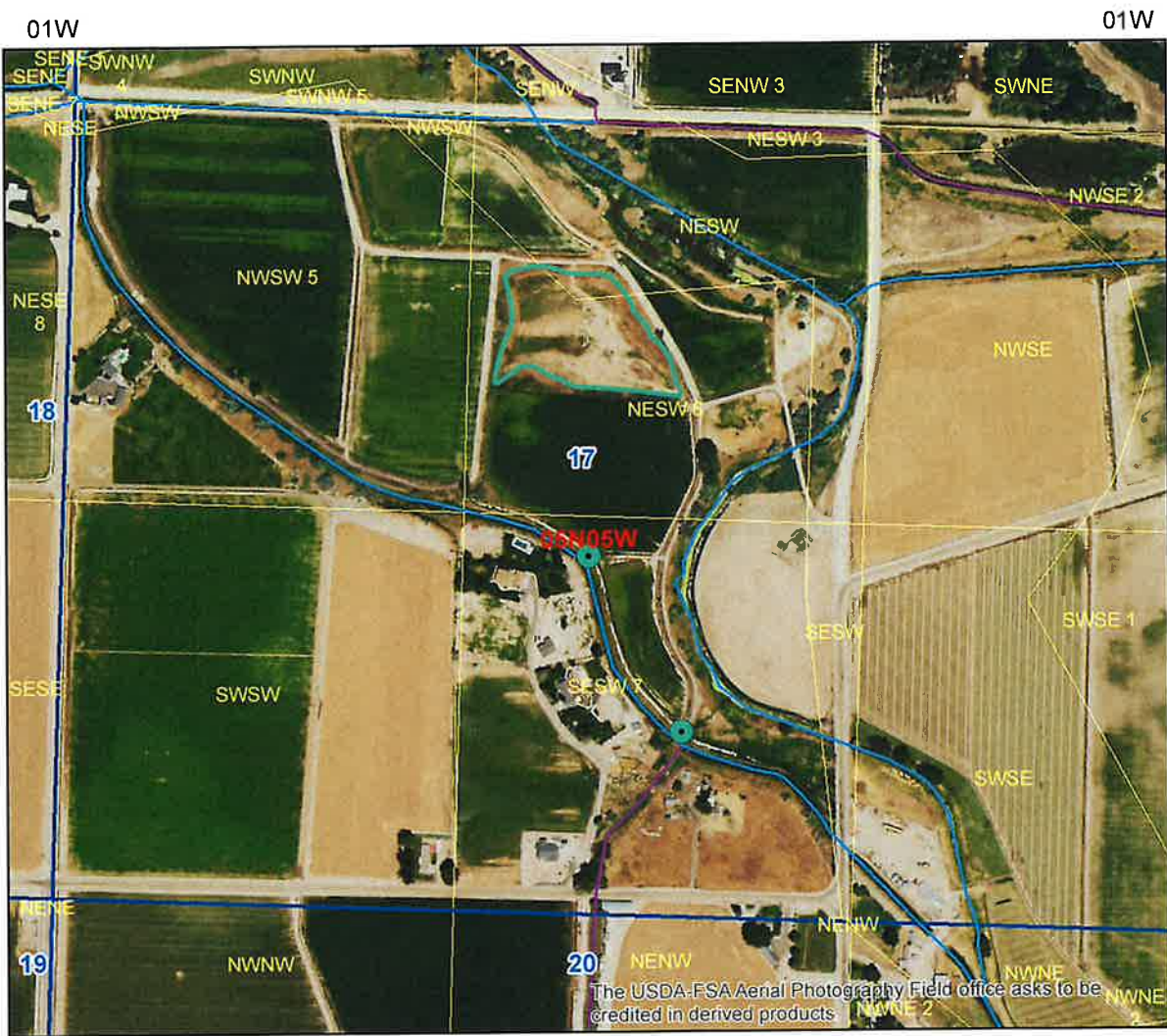
WATER RIGHT NO. 63-32562
As Modified by Transfer No. 84749

CONDITIONS OF APPROVAL

3. Right Nos. 63-32166 and 63-32562 are limited to a total combined diversion rate of 0.27 cfs during the irrigation season.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
6. This right shall be junior and subordinate to future water rights authorizing the diversion and use of water from connected surface water sources for consumptive uses, except that this right shall not be subordinate to future water rights for similar wildlife, recreation and/or aesthetic uses.
7. This right shall be junior and subordinate to future minimum in-stream flow water rights that may be established for connected surface water sources.
8. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
9. Wildlife use is for seepage, evaporation, flow thru, and return flow water associated with wildlife storage under this right.
10. Wildlife storage use is for wildlife field flooding for habitat improvement.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

State of Idaho
Department of Water Resources

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED**FEB 25 2021**

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

WATER RESOURCES
WESTERN REGION

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)** James B Jolly III Phone 206-778-98182. **MAILING ADDRESS** 27205 Wingstetter Ln City ParmaState ID Zip 83660-6610 Email bjolly@msn.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)** 63-32562

- ☒ 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 0.96 cubic feet per second and/or 112.9 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 #
Y			SE	SW	17	5N	5W	Canyon	Ross East End Drain	Proposed
N	7		SE	SW	17	5N	5W	Canyon	Ross East End Drain	Current

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:

A 5 hp pump, pipe and ditch are proposed for the new pod. No changes are proposed to the current pod.
Measuring device and lockable controlling works will be accommodated upon Department request.

- b. Who owns the property at the point(s) of diversion? Applicant
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 ¼ ¼ of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

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

James B Jolley
Signature of applicant or authorized agent

James B Jolley
Print name and title if applicable

2/17/2021
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 _____ pages of attachments.

Received by LE

Date 02/25/2021

Fee paid \$580.00 Date 02/25/2021

Received by LE

Receipt # W049136

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

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

Legend

-  Proposed point of diversion
-  Current point of diversion
-  Place of use



300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

Application for Transfer

James B Jolly III

DATE: 2/16/2021

CREATOR: Igraves

PROJECT: 1632.0010



Absolute Scale: 1:5,001
0 250 500
Feet



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

2/16/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 63-32562

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES B JOLLY III 27205 WINGSETTER LN PARMA, ID 83660-6610 2067789818

Priority Date: 10/23/2006

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
ROSS EAST END DRAIN	SOUTH BOISE DRAIN

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE	09/01	02/28	0.27 CFS	96.9 AFA
WILDLIFE STORAGE	09/01	02/28		16 AFA
DIVERSION TO STORAGE	09/01	02/28	0.96 CFS	
Total Diversion			0.96 CFS	112.9 AFA

Location of Point(s) of Diversion:

ROSS EAST END DRAIN | SESW Lt 7 | Sec. 17 | Township 05N | Range 05W | CANYON County

Place(s) of use:

Place of Use Legal Description: WILDLIFE CANYON 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>
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05N | 05W | 17 | 6 | NESW |

Place of Use Legal Description: WILDLIFE STORAGE CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	05W	17	6	NESW										

Conditions of Approval:

1. 219 Right 63-32562 authorizes a total annual diversion volume of 112.9 acre-feet; 16.0 acre-feet wildlife storage volume to be used for the initial filling or carryover storage of the wildlife field flooding, 16.0 acre-feet wildlife volume to be used for the replacement of losses caused by seepage and evaporation, and 80.9 acre-feet wildlife volume to be used as flow thru water for the system.
2. 220 The wildlife field flooding established by the storage of water under this right shall not exceed a total storage capacity of 16 acre-feet and a total surface area of 4.0 acres.
3. X35 Right Nos. 63-32166 and 63-32562 are limited to a total combined diversion rate of 0.27 cfs during the irrigation season.
4. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. 176 The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
6. 204 This right shall be junior and subordinate to future water rights authorizing the diversion and use of water from connected surface water sources for consumptive uses, except that this right shall not be subordinate to future water rights for similar wildlife, recreation and/or aesthetic uses.
7. This right shall be junior and subordinate to future minimum in-stream flow water rights that may be established for connected surface water sources.
8. 103 When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
9. Wildlife use is for seepage, evaporation, flow thru, and return flow water associated with wildlife storage under this right.
10. Wildlife storage use is for wildlife field flooding for habitat improvement.

Dates:

Licensed Date: 03/14/2017

Decreed Date:

Permit Proof Due Date: 9/1/2015

Permit Proof Made Date: 9/9/2014

Permit Approved Date: 8/28/2014

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: 10/23/2006

Protest Deadline Date: 02/06/2012

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector: And/Or

Water District Number: 63

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
63-32562

WILDLIFE

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.

05W



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

0 0.05 0.1 0.2 Miles



State of Idaho
Department of Water Resources

Water Right
63-32562

WILDLIFE STORAGE

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.

05W



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

0 0.05 0.1 0.2 Miles





RECEIVED

FEB 25 2021

WATER RESOURCES
WESTERN REGION

February 22, 2021

Patrick Kelly
Western Region Water Right Supervisor
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer – 63-32562

Dear Patrick,

On behalf of James Jolly, enclosed please find an application for transfer proposing to add a point of diversion on the Ross East End Drain for water right license 63-32562. Water right 63-32562 authorizes diversion of water from the Ross East End Drain for wildlife and wildlife storage uses from September through February.

Jolly's existing point of diversion allows water to be supplied under gravity flow to the place of use. However, the gravity diversion system does not have adequate head and flow late in the winter to fill the water right due to recent upgradient conversions to drip and sprinkler irrigation. Jolly would like to install a pump to be able to pump the full water right at those times. The pump location will be close to existing power and closer to the place of use.

A check for the \$580.00 filing fee is enclosed. The filing fee is based on the 112.9-acre-foot storage volume.

Please contact me with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Terry M. Scanlan".

Terry M. Scanlan, P.E., P.G.

Enclosures: Application, \$580 Filing Fee

Cc: Jim Jolly

SPF file number: 1632.0010

Idaho Department of Water Resources Receipt

Receipt ID: W049136

Payment Amount	\$580.00	Date Received	2/25/2021	Region	WESTERN
Payment Type	Check	Check Number	4496		
Payer	JOLLY, JAMES B				
Comments	APPLICATION FOR TRANSFER FOR JAMES B JOLLY III WRNO 63-32562				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$580.00	TRANSFERS	62105	0229	21		1155

LE

Signature Line (Department Representative)



Governor Brad Little

Director Gary Spackman

August 30, 2021

JAMES B JOLLY III
27205 WINGSETTER LN
PARMA ID 83660-6610

RE: Transfer No: 84749
Water Right No.: 63-32562

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,


DENISE LAUERMAN

for Nick Miller
Western Regional Manager

Enclosures

CC:

SPF WATER ENGINEERING LLC
300 E MALLARD DR STE 350
BOISE ID 83706

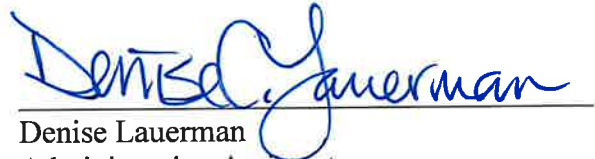
CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2021, I served a true and correct copy of the foregoing PRELIMINARY ORDER (Approved Transfer) by U.S. Mail, postage prepaid, to the following:

Re: Transfer No.: 84749
Water Right No.: 63-32562

JAMES B JOLLY III
27205 WINGSETTER LN
PARMA ID 83660-6610

SPF WATER ENGINEERING LLC
300 E MALLARD DR STE 350
BOISE ID 83706



Denise Lauerman
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer No. 84749

FROM: Allen Bradbury

DATE: 8/25/2021

RE: Evaluation of Application

Transfer application 84749 proposes to add a point of diversion for water right license 63-32562 from the Ross East End Drain which is tributary to the South Boise Drain. The applicant proposes to add an additional POD for wildlife and wildlife storage uses from September through February using a 5 hp pump.

The property is located near 27205 Wingsetter Lane, which is 2 miles southwest of Parma, ID in Canyon County.

Summary of Information Submitted

Authority to File: The application was filed in the name of James B. Jolly III residing at 27205 Wingsetter Ln, Parma, ID 83660. 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 10/14/2020 show the property owned by James B. Jolly III. The applicant owns all property associated with the points of diversion and the places of use in this application.

Water Right Validity/Historical Beneficial Use: Water right 63-32562 was licensed on 3/14/2017. The POU is overlapped by water right 63-32166 for irrigation from 3/1 to 11/15. The wildlife storage area covers about 4 acres of the 13.4 acre irrigation right. A beneficial use field exam was completed in 12/12/2016 confirming that beneficial use has occurred within the last 5 years.

Injury to Other Water Rights: According to the field exam narrative, Water District 63 does not regulate the source of this right as the water from the Ross East End Drain does not flow into the Boise River at any point. The applicant is proposing to add a POD downstream below other users and is the most junior right, so there is not a concern with other users making a call or being injured.

Enlargement of Use: The transfer does not propose any change to the diversion rate or volume, the number of irrigated acres, the nature of use, nor any unsubordinated change to the season of use. The distance between the original diversion and the added diversion is 0.12 miles, so there is little evidence to indicate an enlargement due to improvement of the source. For these reasons, an enlargement of use is not anticipated as a result of this transfer.

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. No comments received from Basin 63 water master or neighboring Thorpe Family Trust.

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.

Overlap Analysis: The place of use is shared with water rights 63-32166 for irrigation and water right 63-32165 for irrigation is in the same quarter-quarter. Other Wildlife and Wildlife Storage rights within the same quarter-quarter include right numbers 63-32226, 63-32608, and 63-33643. All three of these other rights are owned by the Thorpe Family Trust and associated with land bordering the POU for this transfer. The original POD is shared with water right numbers 63-32165 and 63-32166. The added POD is adjacent to water right 63-12606, but is located on the opposite bank.

Discussion

Conditions

If approved the following changes should be made to the conditions of water right no. 63-32562:

- Add standard transfer conditions T07 and T08.

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

Lauerman, Denise

From: Lauerman, Denise
Sent: Monday, July 26, 2021 11:16 AM
To: 'Rex Barrie'; Mike Meyers
Subject: Application for Transfer 84749
Attachments: Recommendation Form Transfer 84749 James B Jolly III.DOCX; Application for Transfer 84749.pdf

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right transfer application. Please review the attached application for transfer, then complete the enclosed recommendation form and return it to this office by **08/23/2021**.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation by **08/23/2021**, IDWR will presume that you do not oppose approval of the applications and that you have no comments for IDWR to consider.

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

Thanks!
Denise

Denise Lauerman | *Administrative Assistant*
IDWR-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 Airport Way • Boise, Idaho 83705-5082

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 26, 2021

THORPE FAMILY TRUST
23498 BOISE RIVER RD
CALDWELL ID 83607

Re: Transfer Application No. 84749

Dear Interested Party:

The above referenced application may be of interest to you. I have enclosed a copy of the transfer application for your convenience. This information is also available on our website www.idwr.idaho.gov. Please respond within 30 days if you have any comments regarding this application.

If you have any questions, please contact this office at 208-334-2190.

Sincerely,

Denise Lauerman
Administrative Assistant
Western Regional Office

Enclosures

MEMORANDUM

Date: July 23, 2021

To: Transfer 84749

From: Allen Bradbury

Re: Comment/Analysis

Legal notice not required.