

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 84747

This is to certify that: NATASHA FLOOK
6606 W BEACON LIGHT RD
EAGLE, ID 83616-1638

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>
63-35028	WR/DECREED	5/29/1953	0.050 cfs	11.7 af	N/A	2.6	GROUND WATER

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>
63-35028	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-35028	63-35028	0.050 cfs	11.7 af	N/A	2.6	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.050 cfs	11.7 af	N/A	2.6		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 25th day of June, 2021.


for Chief, Water Allocation Bureau

WATER RIGHT NO. 63-35028
As Modified by Transfer No. 84747

In accordance with the approval of Transfer No. 84747, Water Right No. 63-35028 is now described as follows:

Right Holder: NATASHA FLOOK OR
 ROY FLOOK
 6606 W BEACON LIGHT RD
 EAGLE, ID 83616-1638

Priority Date: 5/29/1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	0.050 cfs	11.7 af
			0.050 cfs	11.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSESE Sec 34 Twp 05N Rge 01W ADA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01W	34																2.6	2.6

POU Total Acres: 2.6

CONDITIONS OF APPROVAL

1. 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 place of use.
2. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 84747

State of Idaho
Department of Water Resources

Attachment to Water Right Transfer 84747

63-35025

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.



-  Transfer POD
-  Transfer POU
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.035 0.07 0.14 Miles



APR 01 2021

DEC 30 2020

WATER RESOURCES
WESTERN REGION

WATER RESOURCES
WESTERN REGION

42-222 POD - 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

07/18 DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION
To add points of diversion for existing water rights and to report an ownership

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:

- 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.
- 1-1-2014 ELIOT Phone 208-391-5888

☐ Transfer is for changes pursuant to § 15-2-203, Idaho Code.

1. **APPLICANT(S)** Natasha Flook Phone 208-341-5886

2. **MAILING ADDRESS** 1606 W. Beacon Light Rd. City Eagle

State ID Zip 83616 Email N.Flook12@gmail.com

I intend to do business in the State of Idaho, attach documentation identifying

- State ID Zip 83401
- ☐ 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) 12014412 63-35028

- ☐ 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 0.05 cfs cubic feet per second and/or 11.7 acre-feet per annum.
(diversion rate) (storage volume)

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

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

[illegible]

84747

Amended 4/1/2021

DEC 30 2020

WATER RESOURCES
WESTERN REGION

42-222 POD - 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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) Natasha Flook Phone 208-391-5886
 2. MAILING ADDRESS 16016 W. Beacon Light Rd. City Eagle
 State ID Zip 83616 Email N.Flook12@gmail.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) 63-2942

- ☐ 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 .01 cubic feet per second and/or 23.1 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	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
NO	~~34~~		SE	SE	34	05N	01W	Ada	ground water	
YES			SE	SE	34	05N	01W	Ada	ground water	

Superseded by Amended Pg 2

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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:

We will add a well with domestic and agriculture pump.

- 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 1/4 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.

Natasha Flook
Signature of applicant or authorized agent

Natasha Flook
Print name and title if applicable

12/30/2020
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 DL Date 12.30.2020

Fee paid 200.00 Date 12.30.2020 Receipted by DL Receipt # W048987

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)

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State of Idaho
Department of Water Resources

Attachment to Water Right License

63-35028

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.



- 01W (OLD)
X Point of Diversion
Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
• New POD

0 0.035 0.07 0.14 Miles



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/31/2020

Water Right 63-2942

Owner Type **Name and Address**
Current Owner MARY A BAILEY
6522 BEACON LIGHT
EAGLE, ID 83616
(208) 286-7003

Original Owner GEORGE C OXFORD
PO BOX 903
BOISE, ID 83701

Priority Date: 5/29/1953

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	0.100 CFS	22.5 AF
DOMESTIC	01/01	12/31	0.020 CFS	0.6 AF
	<u>Total Diversion</u>		0.100 CFS	23.1 AF

Source and Point(s) of Diversion

GROUND WATER SWSESE Sec. 34, Twp 05N, Rge 01W, ADA County

Place Of Use

DOMESTIC within ADA 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	
05N	01W	34																X	

IRRIGATION within ADA 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	
05N	01W	34																5.0	5.0

POU Total Acres: 5.0

Conditions of Approval:

1. PARCEL NO. S0334443500.
2. 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.
3. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/31/2020

4. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
5. X01 Domestic use is for 1 home.

Dates and Other Information

Decreed Date: 2/16/2007
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: OR
Water District Number: TBD
Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>	<u>Log Text</u>
Contacts	3/12/2003	rhowerto	(No) 1. Do you want to schedule an appointment? Comment for 1: LICENSED
Priority Date	3/12/2003	rhowerto	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	3/12/2003	rhowerto	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	3/12/2003	rhowerto	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	3/12/2003	rhowerto	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	3/12/2003	rhowerto	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (Yes) 13. Is a Purpose of Use remark and/or condition required?
Season	3/12/2003	rhowerto	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use?

IDAHO DEPARTMENT OF WATER RESOURCES

12/31/2020

Proof Report

			(No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined?
			(Yes) 15. Is irrigation claimed as a Purpose of Use?
			(No) 18. Is a Period of Use remark and/or condition required?
Quantity	3/12/2003	rhowerto	(Yes) 1. Is the basis of this claim a Decree or License?
			(Yes) 4. Does the Decree or License have a diversion rate and/or volume?
			(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
			(No) 8. Does the parent right have an annual diversion volume limit?
			(Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?
			(Yes) 10. Is a irrigation a purpose of use?
			(Yes) 12. Is a Quantity remark or condition required?
			Description for Question 10 - STANDARDS RECOMMENDED
POD	3/12/2003	rhowerto	Edited point location
POU	3/12/2003	rhowerto	Edited shape boundary
Summary	3/12/2003	rhowerto	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?
			(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?
			(Yes) 5. Is an additional remark and/or condition required?
			(Yes) 6. Would you like to view the recommended right?
			(No) 7. Is this a split or combined right?
			(No) 8. Do you have documents you would like to attach or link to the file?
			(Yes) 9. Would you like to set the verification date?
POD	10/28/2004	kbrown	Edited point location

SubCase:

N/A

Water Supply Bank:

N/A



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

June 25, 2021

NATASHA FLOOK
6606 W BEACON LIGHT RD
EAGLE ID 83616-1638

RE: Transfer No: 84747
Water Right No.: 63-35028

Transfer Approval Notice

Dear Water Right Holders:

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

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

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

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

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

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

Sincerely,


DENISE LAUERMAN
for Nick Miller
Western Regional Manager

Enclosure

CC:

ROY FLOOK
6606 W BEACON LIGHT RD
EAGLE ID 83616-1638

CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the persons listed below:

Re: Transfer No.: 84747
Water Right No.: 63-35028

NATASHA FLOOK
6606 W BEACON LIGHT RD
EAGLE ID 83616-1638

ROY FLOOK
6606 W BEACON LIGHT RD
EAGLE ID 83616-1638

A handwritten signature in blue ink, reading "Denise Lauerman", is written over a horizontal line.

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. 84747
FROM: Anna Kaiser
DATE: May 5, 2021
RE: Evaluation of Application

Transfer 84747 proposes moving the point of diversion (POD) from a neighboring parcel onto the applicant's property.

Transfer 84747 was originally filed in the name of Natasha and Roy Flook, proposing the POD change to water right no. 63-2942. However, prior to the processing of 84747, the Idaho Department of Water Resources (Department) split water right 63-2942 and changed ownership of split portion no. 63-35028 to Flook. The transfer was amended to describe split right 63-35028 rather than parent right 63-2942.

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

The site is in Eagle, Idaho (Ada County) on the corner of W Beacon Light Rd. and Hartley Rd.

Contact person is the applicant- Natasha Flook, 66016 W Beacon Light Rd., Eagle, ID 83616, (208).391.5886, n.flook12@gmail.com

Summary of Information Submitted

Authority to File:

Transfer 84747 was filed and signed in the name of Natasha Flook. Flook is the current owner of water right 63-35028. As described above, the Department split 63-35028 from right 63-2942 and placed ownership of 63-35028 in the name of Flook.

Water Right Validity:

Validity of water right 63-35028 will be evaluated based on the validity of parent right 63-2942. The partial decree for water right 63-2942 was issued 2007. This right is presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by department aerial imagery.

Injury to Other Water Rights:

Transfer 84747 is not anticipated to injure surrounding water rights. The proposed POD is located approximately 200 yards from the original POD and therefore will not significantly alter local groundwater or impact local groundwater users.

Enlargement of Use:

Transfer proposes no changes in place of use, or nature of use so enlargement is not a concern.

Local Public Interest:

No evidence suggests changes proposed by transfer 84366 will contradict local public interest.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.



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

March 25, 2021

NATASHA FLOOK
6606 BEACON LIGHT RD
EAGLE ID 83616

Re: Transfer Application No. 84747 – Clarification/Correction Request

Dear Applicant,

The Department of Water Resources (Department) received your transfer application no. 84747 on December 30, 2020. The application is complete by Department standards but requires the following corrections and clarifications at this time:

- ☐ *Item 3 – LIST WATER RIGHT NUMBERS*
 - Prior to this transfer, water right 63-35028 was split from right 63-2942. It appears the additional well is proposed to right 63-35028. I have included a map of right 63-35028 for your reference.
 - If this is the case, please change the water right listed under *Item 3* to 63-35028.
- ☐ *Item 4. – TOTAL AMOUNT OF WATER*
 - The added point of diversion will affect the entirety of right 63-35028.
 - The total amount listed, should be 0.05 cfs and 11.7 AF (see the attached proof report for reference).
- ☐ *Item 5. – POINT OF DIVERSION*
 - Since the right has been split at this time, you are technically only adding one POD to right 63-35028 (the existing POD will remain associated with right 63-2942).
 - Please cross or white out the top line so the table only describes one new POD.

With this letter, I attached a copy of your transfer application with the necessary corrections marked, and proof report and map of water right 63-35028 for reference. Please make the necessary corrections and send back to me at the address listed below, or email a scanned copy to me at anna.kaiser@idwr.idaho.gov.

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

Sincerely,

Anna Kaiser | Water Resource Agent
IDWR | Western Regional Office
2735 W Airport Way | Boise ID 83705
anna.kaiser@idwr.idaho.gov | (208).334.

Enclosures: Transfer Application, Proof Report, MAP