

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84800**

This is to certify that: CLAUDIA SUSAN SHAKENIS AND
STAN SHAKENIS
16007 MAP ROCK RD
CALDWELL, ID 83607

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>
2-10211	WR/DECREED	7/1/1953	0.100 cfs	N/A	N/A	9.3	SNAKE RIVER

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>
2-10211	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>
2-10211	2-10211	0.100 cfs	N/A	N/A	9.3	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.100 cfs	N/A	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 25th day of June, 2021.


for _____
Chief, Water Allocation Bureau

WATER RIGHT NO. 2-10211
As Modified by Transfer No. 84800

In accordance with the approval of Transfer No. 84800, Water Right No. 2-10211 is now described as follows:

Right Holder: CLAUDIA SUSAN SHAKENIS OR
 STAN SHAKENIS
 16007 MAP ROCK RD
 CALDWELL, ID 83607

Priority Date: 7/1/1953

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
 IRRIGATION

From 04/01 **to** 10/31

Diversion Rate
 0.100 cfs
 0.100 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L7 (SESE) Sec 8 Twp 01N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	03W	8																9.3	9.3
																		L 7	

POU Total Acres: 9.3

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. 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.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/15/2009.
4. Use of this right is combined with water from Wilder Irrigation District.
5. This right is a split from former right 2-2429.

Transfer No. 84800

WATER RIGHT NO. 2-10211
As Modified by Transfer No. 84800

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources

Attachment to Water Right Transfer 84800

2-10211

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.

03W



- Transfer POD
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.05 0.1 0.2 Miles



WATER RESOURCES
WESTERN REGION

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 10HP pump will draw water from the Snake River and will supply a 6" mainline and sprinklers to irrigate approximately 9 acres. Power to the pump will be lockable. Piping will be configured to accommodate a flow meter.

- b. Who owns the property at the point(s) of diversion? Stan & Claudia Shakenis (applicants)
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.

Stan D. Shakenis
Signature of applicant or authorized agent

STAN D. SHAKENIS
Print name and title if applicable

3/11/2021
Date

Claudia S. Shakenis
Signature of applicant or authorized agent

Claudia S. Shakenis
Print name and title if applicable

3/11/2021
Date

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

FOR DEPARTMENT USE ONLY

Transfer includes 3 pages of attachments. Received by LE Date 03/15/2021

Fee paid \$200.00 Date 03/15/2021 Received by LE Receipt # W049197

Preliminary review by TS Date 4/21/21 Active in the Water Supply Bank? Yes ☐ No ☒

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

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 02-10211

NAME AND ADDRESS: CLAUDIA SUSAN SHAKENIS
STAN SHAKENIS
3400 HIGHWOOD PL
BOISE, ID 83713

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.097 CFS

The rights listed below are limited to a total combined
diversion rate of 2.18 cfs. Combined Right Nos.: 2-10211,
2-10233, 2-10265, and 2-10266.

PRIORITY DATE: 07/01/1953

POINT OF DIVERSION: T01N R03W S08 LOT 6 (NWSE) Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.097 CFS

The use of water for irrigation under this right may begin as
early as March 1 and may continue to as late as November 15,
provided other elements of the right are not exceeded. The use
of water before April 1 and after October 31 under this remark
is subordinate to all water rights having no subordinated early
or late irrigation use and a priority date earlier than the date
a partial decree is entered for this right.

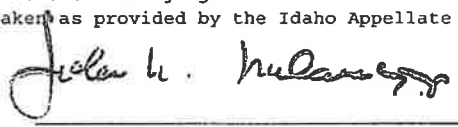
PLACE OF USE: Irrigation Within Canyon County
T01N R03W S08 LOT 7 (SESE) 9.3
9.3 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECORD OF SURVEY

GOVERNMENT LOTS 4 AND 7 OF SECTION 8
TOWNSHIP 1 NORTH, RANGE 3 WEST, BOISE MERIDIAN
CANYON COUNTY, IDAHO

200213120

RECORDED

02 MAR 21 PM 2 11

SCALE: 1" = 400'

BASS OF BEARING:
R.O.S. Nat. No. 8920237

G NOEL HALES
CANYON CNTY RECORDER

Jeffrey

LEGEND

- STONE MONUMENT - FOUND
- WELL - EXISTING
- BRASS CAP MONUMENT - FOUND
- 5/8" x 3/8" REBAR - SET
- 3/8" REBAR - FOUND
- 1/2" x 2 1/2" REBAR - SET
- 1/2" REBAR - FOUND
- PX. NAIL & BRASS WAGON
- CALCULATED POINT
- PROPERTY BOUNDARY LINE
- WITNESS CORNER
- () DATA OF RECORD

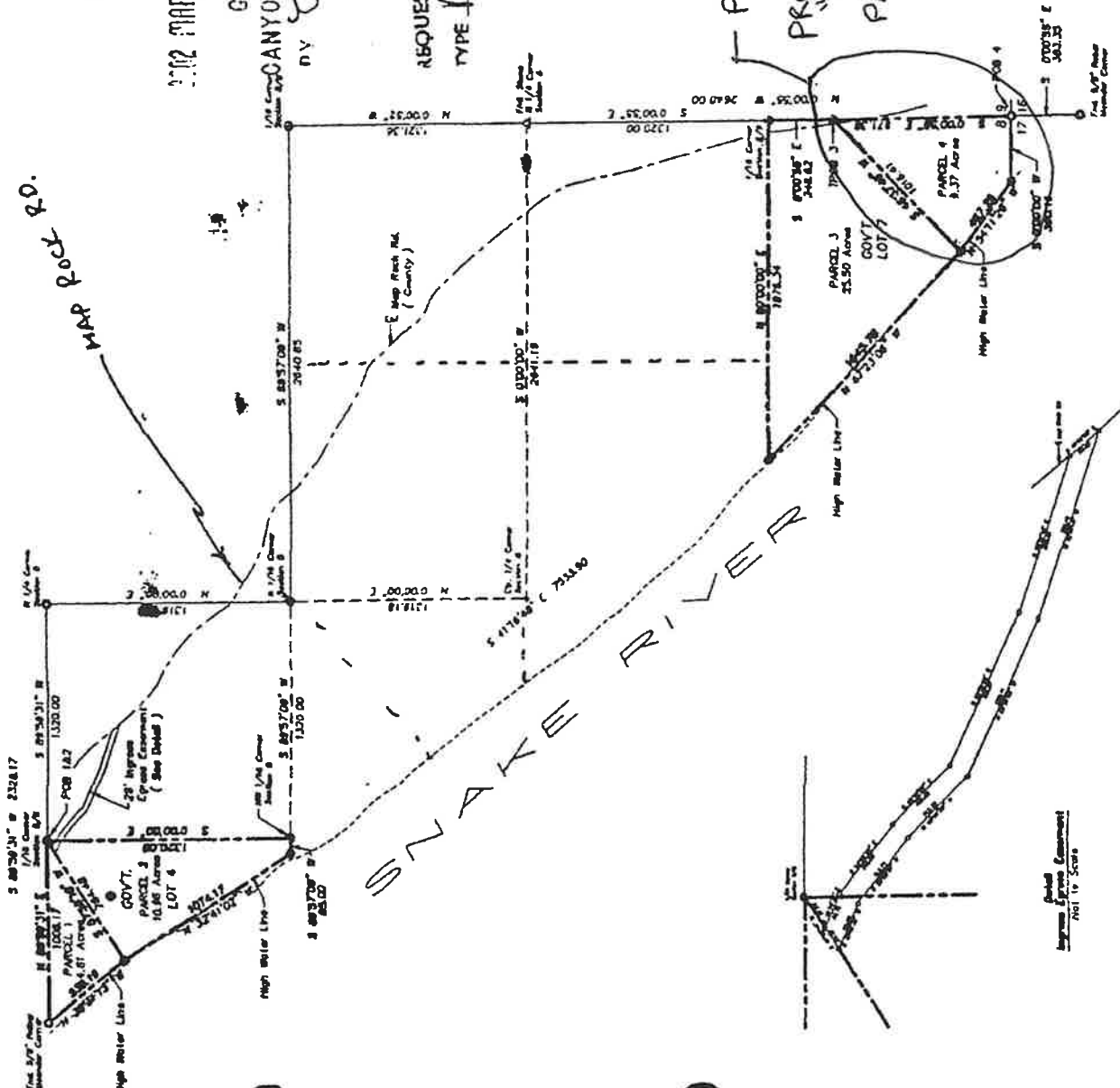
REQUEST David Smart
TYPE Misc Fee 12.00

CERTIFICATION

I, Greg L. Shriver, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this map has been made from an actual survey made on the ground under my direct supervision, that this map is an accurate representation of said survey, and that it is in conformity with the Corner of Registration Act, Idaho Code 55-1601 through 55-1612.



PROPERTY OF
PROPOSED "NEW"
"POD"
PARCEL #4



INDEX NO 134-08-2-0-00-00
134-08-2-0-00-00
134-08-2-0-00-00

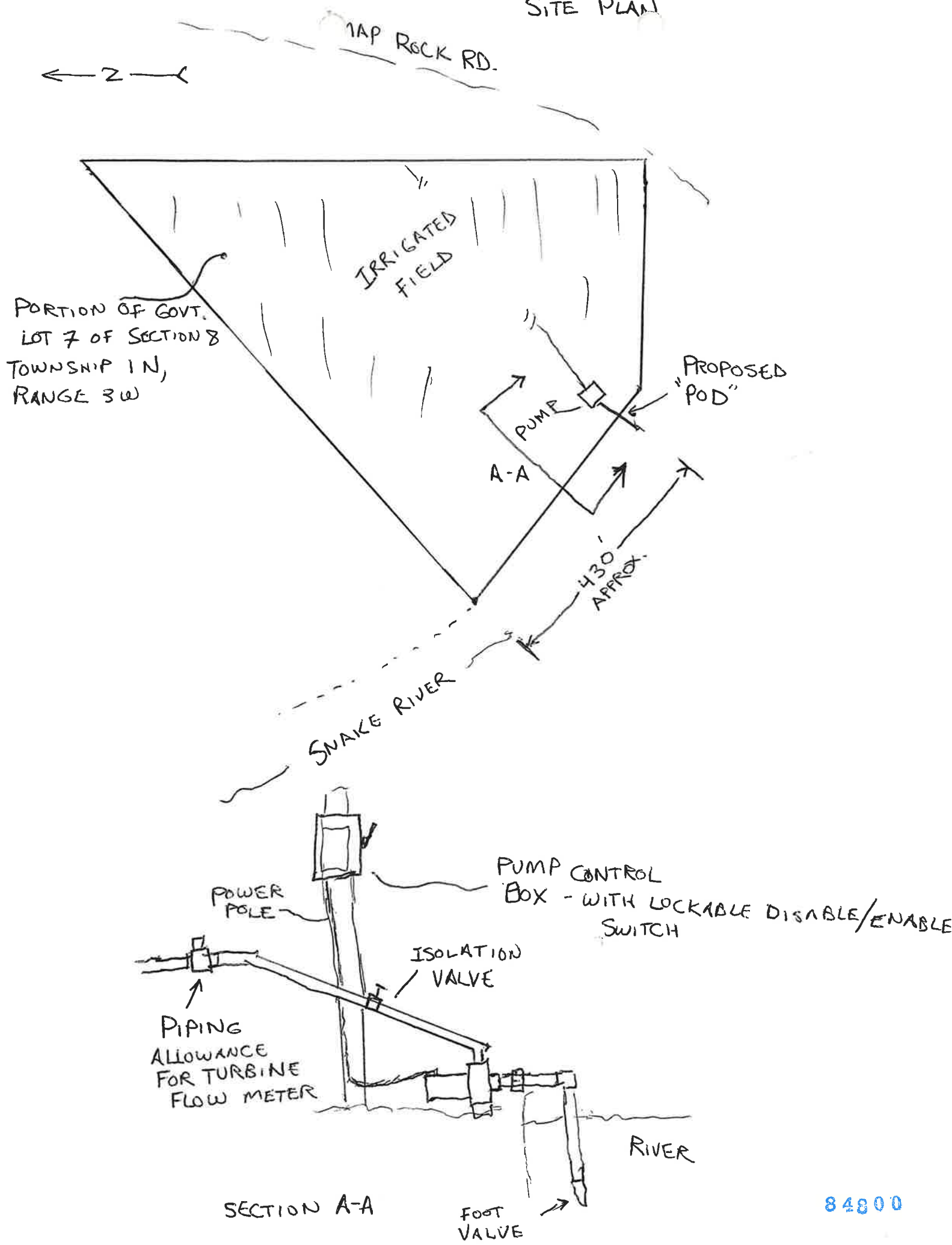
SURVEY FOR

DAVE SMARTT

Drawn by: <u>R.F.L.</u>	 Shriver, Greg L. Surveying, Inc. 1000 W. 1st St. Boise, Idaho 83725 (208) 486-1803
Date: <u>MARCH 25, 1996</u>	
Book: _____	
Job No. <u>1997-306</u>	

Improve & Form Comment
NOT IN SCALE

SITE PLAN





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

STAN SHAKENIS
CLAUDIA SUSAN SHAKENIS
16007 MAP ROCK RD
CALDWELL ID 83607

RE: Transfer No: 84800
Water Right No.: 2-10211

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 LAHERMAN
for Nick Miller
Western Regional Manager

Enclosure

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.: 84800
Water Right No.: 2-10211

STAN SHAKENIS
CLAUDIA SUSAN SHAKENIS
16007 MAP ROCK RD
CALDWELL ID 83607



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. 84800
FROM: Tyler Smith
DATE: April 21, 2021
RE: Evaluation of Application

Summary of Information Submitted

Stan and Claudia Shakenis (Applicants) are property owners in Canyon County along the Snake River. The Applicants filed transfer no. 84800 to change the point of diversion to a point roughly half a mile upstream from its current location on the Snake River. The place of use is irrigated using a mix of water from the Boise River delivered by Wilder Irrigation District and the Snake River from water right 2-10211.

Authority to File

The application was filed in the name of Stan and Claudia Shakenis. They are the current owners of water right 2-10211 being transferred and therefore have the authority to file.

Water Right Validity

The right is presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by google climate engine, department aerial imagery, landsat images, google earth images, or other evidence. Evidence of beneficial use does not need to be added to the file it is an IDWR product available to other staff.

Injury to Other Water Rights

None anticipated. The distance in which the point of diversion is proposed to be moved is unlikely to result in injury to other water rights.

Enlargement of Use

The proposed point of diversion is approximately half a mile upstream from the current point of diversion on the Snake River. Moving the point of diversion this distance will likely not result in any change in availability of water. Furthermore, overlapping use of Wilder Irrigation District water is not of concern since Wilder rights are sourced from the Boise River which is tributary to the Snake River.

Local Public Interest

No information has been made available to suggest a conflict with 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.

Summary

Water Right Overlap

Water right 2-10211 overlaps Wilder Irrigation District water rights. The District's water rights are sourced from the Boise River which is tributary to the Snake River, the source for 2-10211. The right is conditioned as combined with water from Wilder Irrigation District.

Diversion Rate Clarification

Water right 2-10211 being transfer is the result of a split from former right 2-2429. The split resulted in 2-10211 authorizing 0.097 cfs for irrigation with a total diversion rate of 0.10 cfs. 0.10 cfs being the maximum diversion rate is a result of Department rounding standards. As clarification, the irrigation diversion rate has been updated to reflect the 0.10 cfs of the total diversion rate.

Application Clarification

The application indicated adding a new point of diversion as well as changing the point of diversion. However the application narrative indicates only one point of diversion will be used as a result of the transfer. During a call on April 21, 2021, the applicant confirmed that this application is only to change the point of diversion and not add a point of diversion. Therefore, only one new point of diversion will be shown as a result of this transfer.

Advertisement

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.

Condition E52

Condition E52 was removed due to the point of diversion being changed and no longer overlapping the other rights mentioned in the original condition.