

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84656**

This is to certify that: SARA HILL AND
SPENCER HILL
5086 S BITTERCREEK AVE
MERIDIAN, ID 83642-7971

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>
63-34986	WR/DECREED	6/1/1911	0.030 cfs	N/A	N/A	3.4	SOUTH FORK BOISE 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>
63-34986	NO	NO	NO	NO	NO	YES

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>
63-34986	63-34986	0.030 cfs	N/A	N/A	3.1	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.030 cfs	0.0 af	N/A	3.1		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 19th day of May, 2021.



Chief, Water Allocation Bureau

Transfer No. 84656

WATER RIGHT NO. 63-34986
As Modified by Transfer No. 84656

In accordance with the approval of Transfer No. 84656, Water Right No. 63-34986 is now described as follows:

Right Holder: SPENCER HILL AND
 SARA HILL
 5086 S BITTERCREEK AVE
 MERIDIAN, ID 83642-7971

Priority Date: 6/1/1911

Source: SOUTH FORK BOISE RIVER **Tributary:** BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/15	0.020 cfs	
DIVERSION TO STORAGE	04/15	to 10/15	0.010 cfs	
RECREATION STORAGE	01/01	to 12/31	0.030 cfs	0.7 af

LOCATION OF POINT(S) OF DIVERSION

SOUTH FORK BOISE RIVER L4 (NWSW) Sec 11 Twp 03N Rge 10E ELMORE County
 SOUTH FORK BOISE RIVER L9 (NWSW) Sec 12 Twp 03N Rge 10E ELMORE 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	
03N	10E	10													3.1				3.1
															L 8				

POU Total Acres: 3.1

PLACE OF USE: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	10E	10													X				
															L 8				0

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 84656

WATER RIGHT NO. 63-34986
As Modified by Transfer No. 84656

CONDITIONS OF APPROVAL

2. 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 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/24/2003.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
4. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
5. Transfer 84656 authorizes the diversion and delivery of 0.01 cfs and 0.7 af of water to storage for replacement of evaporation losses from the pond authorized by Right 63-34967.
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 84656

63-34986

This map depicts the RECREATION STORAGE 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.

10E



-  Transfer POD
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.125 0.25 0.5 Miles



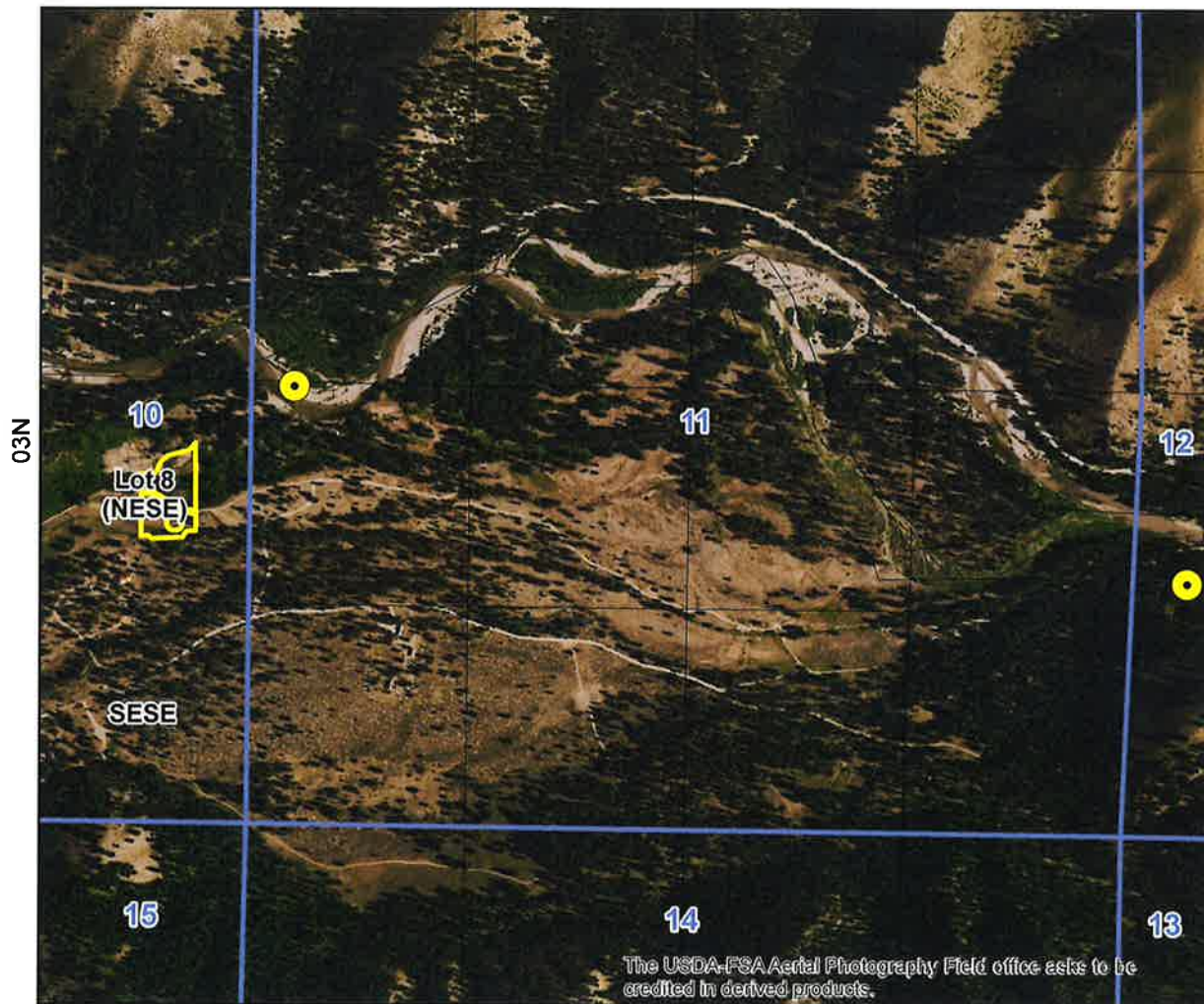
State of Idaho
Department of Water Resources

Attachment to Water Right Transfer 84656

63-34986

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.

10E



- Place of Use
- Transfer POD
- Townships
- PLS Sections
- Quarter Quarters

0 0.125 0.25 0.5 Miles





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

May 19, 2021

SPENCER HILL
SARA HILL
5086 S BITTERCREEK AVE
MERIDIAN ID 83642-7971

RE: Transfer No: 84656
Water Right No.: 63-34986

Transfer Approval Notice

Dear Water Right Holders 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, please contact me at (208) 334-2190.

Sincerely,


DENISE LAUERMAN

for Nick Miller
Western Regional Manager

Enclosure

CC:

SPF WATER ENGINEERING LLC
C/O SCOTT KING
300 E MALLARD DR STE 350
BOISE ID 83706

CERTIFICATE OF SERVICE

I hereby certify that on May 19, 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.: 84656
Water Right No(s): 63-34986

SPENCER HILL
SARA HILL
5086 S BITTERCREEK AVE
MERIDIAN ID 83642-7971

SPF WATER ENGINEERING LLC
C/O SCOTT KING
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.

AFFIDAVIT OF PUBLICATION

NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-34966

AARON FUHRIMAN
7262 S ANGEL WAY
MERIDIAN, ID 83642-9294
Point of Diversion L8 (NESE)
S10 T03N R10E ELMORE
County Source GROUND WATER

Use: RECREATION STORAGE
AGE 01/01 to 12/31 5 AF
Total Diversion: 5 AF
Date Filed: 09-24-2020
Place Of Use: RECREATION STORAGE
T03N R10E S10 L8 (NESE)
Water bearing zone to be appropriated is from 0 to 15 feet.

63-34967

SPENCER HILL
5086 S BITTERCREEK AVE
MERIDIAN, ID 83642-7971
Point of Diversion L8 (NESE)
S10 T03N R10E ELMORE
County Source GROUND WATER

Use: RECREATION STORAGE
AGE 01/01 to 12/31 5 AF
Total Diversion: 5 AF
Date Filed: 09-24-2020
Place Of Use: RECREATION STORAGE
T03N R10E S10 L8 (NESE)

Water bearing zone to be appropriated is from 0 to 15 feet.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 84656

SPENCER HILL and SARA HILL, 5086 S BITTERCREEK AVE, MERIDIAN, ID 83642-7971 has filed Application No. 84656 for changes to the following water rights within ELMORE County(s): Right No(s). 63-34986; 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:

Spencer and Sara Hill (applicants) are property owners in Elmore County. The applicants filed transfer no. 84656 to change the nature of use, period of use, and place of use for water right 63-34986. The applicants propose changing the nature of use of a portion of the identified water right to cover the evaporative losses resulting from a pond proposed under application for permit no. 63-34967.

Scott King of SPF Water Engineering is the representative for the transfer. Mr. King can be reached at 208-383-4140 or sking@spfwater.com

TRANSFER NO. 84657

AARON FUHRIMAN and CAROLL FUHRIMAN, 7262 S ANGEL WAY, MERIDIAN, ID 83642-9294 has filed Application No. 84657 for changes to the following water rights within ELMORE County(s): Right No(s). 63-34985; 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:

Aaron and Caroll Fuhriman (applicants) are property owners in Elmore County. The applicants filed transfer no. 84657 to change the nature of use, period of use, and place of use for water right 63-34985. The applicants propose changing the nature of use of a portion of the identified water right to cover the evaporative losses resulting from a pond proposed under application for permit no. 63-34966.

Scott King of SPF Water Engineering is the representative for the transfer. Mr. King can be reached at 208-383-4140 or sking@spfwater.com

Permits will be subject to all prior water rights. 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 3/8/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Director

First Publication:
February 17, 2021
Second Publication:
February 24, 2021

County of Elmore
State of Idaho

SS.

I, **Joy Martinez**, do solemnly swear that I am the Legal Clerk of the:

Mountain Home News

A weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto which is a part of publication thereof; was published in said newspaper for 2 consecutive weeks, the first publication having been made on the 17 day of Feb, 2021, and the last publication having been made on the 24 day of Feb, 2021; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.

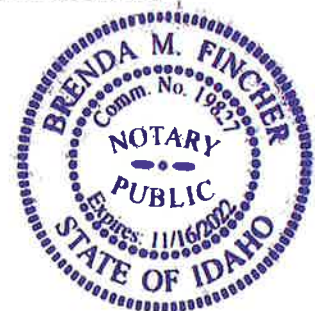
Joy Martinez
Legal Clerk

Subscribed and sworn to me this 24th day of Feb, 2021

Brenda M Fincher
Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires **11-16-2022**.



RECEIVED

FEB 26 2021

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
2735 Airport Way
Boise, Idaho 83705-5082

Return Service Requested

LAWRENCE RIGGINS
RT 8 BOX 293
CALDWELL, ID 83605

PRESORTED
FIRST CLASS

U.S. POSTAGE >> PITNEY BOWES
ZIP 83702 \$ 000.39⁸
02 4N 0000359173 FEB 12 2021



RECEIVED

FEB 22 2021

WATER RESOURCES
WESTERN REGION

NSA

DATE 02/22/21
TIME 13:50
RETURN TO SENDER
UNABLE TO FORWARD
NO SUCH ADDRESS
20250223 0855-2244
83705-5082

RECEIVED

FEB 16 2021

WATER RESOURCES
WESTERN REGION

State of Idaho

Department Of Water Resources

WATERMASTER RECOMMENDATION FORM

Water District # 63 _____

Application # 84656 and 84657 _____

Applicant Name Spencer Hill, Aaron Fuhrman

Watermaster Recommendation:

- a) X 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 16th day of February, 2021



Watermaster Signature

Mike Meyers _____

Printed Name

MEMORANDUM

TO: Transfer No. 84656
FROM: Tyler Smith
DATE: 2/1/21
RE: Evaluation of Application

Summary of Information Submitted

Spencer and Sara Hill (applicants) are property owners in Elmore County. The applicants filed transfer no. 84656 to change the nature of use of a portion of water right 63-34986. The applicants propose changing the nature of use of a portion of the identified water right to cover the evaporative losses resulting from a pond proposed under application for permit no. 63-34967.

Scott King of SPF Water Engineering is the representative for the transfer. Mr. King can be reached at 208-383-4140 or sking@spfwater.com

Authority to File

Spencer and Sara Hill are both the current owners of water right 63-34986. Both signed the application for transfer, 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, which showed a maximum NDVI for the irrigation place of use for the past five years between 0.6 and 0.8, which is above the 0.6 threshold for native vegetation. This data has been added to the file, and includes two polygons due to the two polygon shape of the irrigation place of use.

Injury to Other Water Rights

None anticipated. This transfer is proposing a nature of use change to mitigate losses associated with a pond for application for permit 63-34967. An opportunity to claim injury will be presented to water users through public advertisement.

Enlargement of Use

Historical consumptive use data, pond analysis spreadsheet, and a water balance sheet included with the transfer provide justification for the nature of use change from irrigation to aesthetic storage. According to this data, the right will not be enlarged as a result of the nature of use change.

Local Public Interest

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

Summary

Nature of Use Change

Water right no. 63-34986 authorizes 0.03 cfs for irrigation purposes. 63-34986 will undergo a nature of use change to change 0.0025 cfs of irrigation use to 0.65 af of aesthetic storage to mitigate for the consumptive uses of a pond in application for permit 63-34967. Per Department standards, when a transfer is approved, a change must be shown in the water right being transferred. The amount of 0.0025 cfs is small enough to not change the irrigation use of 63-34986 due to the significant figures and rounding used by the Department. Therefore, in order to show that a change has occurred, 0.01 cfs of the irrigation use will undergo a nature of use change to reflect the change to aesthetic storage.

Furthermore, 63-34986 has a priority date of 1911, and is sourced from the Boise River upstream of storage water reservoirs. When curtailments are made on Boise River water rights, 63-34986 will be curtailed due to its junior priority date. After it is curtailed, the pond in application for permit 63-34967 will still hold and evaporate groundwater considered in direct hydraulic connection with the Boise River. This late season consumptive use will be covered under the 42-111 domestic exemption, and permit 63-34967 should be limited to 2,500 gallons per day.

The application indicated the nature of use change would result in a new aesthetic storage use as a result of the transfer, and was advertised as such. After clarifying with the applicant via email on 5/17/21, it was confirmed that the nature of use change should result in a new recreation storage, not aesthetic storage. This is reflected in the transfer approval.

Water Right Overlap

Water right no. 63-34986 overlaps the place of use and point of diversion for water right 63-34988, also owned by the applicants. An additional 7B supplement was submitted via the representative on April, 7 2021 that indicates where the remaining 3.1 acres of irrigation authorized by 63-34986 will be located as a result of the transfer. This was done to ensure that 63-34986 and 63-34988 are not stacked. There is 1.9 acres of irrigation covered by 63-34988 in the northern portion of the parcel that will not overlap the remaining 3.1 acres covered by 63-34986, indicating that the rights are not stacked, and overlap is not of concern.

63-34986 Irrigation Google Climate Engine Data

