

WATER RESOURCES WESTERN REGION

Transfer No. 84717

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 have one pump active and had applied to move the pump downstream. We now are requesting to leave the existing pump where it is and put in a second pump in the new approved location.

- b. Who owns the property at the point(s) of diversion? Reed Mulkey

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

NA

- 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:

NA

- 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.

Reed Mulkey
Signature of applicant or authorized agent

Reed Mulkey

Print name and title if applicable

2-6-2021
Date

Melinda Mulkey
Signature of applicant or authorized agent

Melinda Mulkey

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 2/10/2021

Fee paid \$250.00 Date 2/10/2021

Received by LE

Receipt # W049092

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)

Application for Water Right

Additional location were requesting

Current location



6/13/2020, 2:21:08 PM

Areas



Override 1



Override 2

Counties

Quarter Quarter



Section

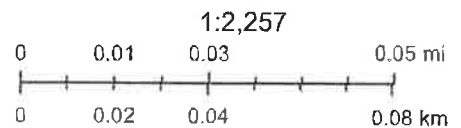


Township/Range



Idaho Outline

Idaho Mask



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Created by NRCS from 1:24,000 scale USGS topographic maps., Idaho Department of Water Resources

Idaho Department of Water Resources

Maxar | Created by NRCS from 1:24,000 scale USGS topographic maps | Idaho Department of Water Resources | USDA Natural Resources Conservation Service | State of Oregon DEQ | Esri

84717
84186

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 3-10234

Current Owner: REED MULKEY
MELINDA MULKEY

Priority Date: 1/15/1907

Origin: Water Right

Status: Active

Basls: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Diversion Rate

0.05 CFS

Annual Volume

Total Diversion

0.05 CFS

Location of Point(s) of Diversion

SNAKE RIVER

L2(SW1/4NE1/4SW1/4)

Sec. 17, Twp 10N, Rge 05W B.M.

WASHINGTON County

Place of Use

IRRIGATION Within WASHINGTON County

T10N R05W S17

NWSW

1.30

T10N R05W S17

Lot 2

NWSW

1.20

Total Acres: 2.5

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. F06 The following rights are diverted through point of diversion described above: 3-4005, 3-10227, 3-10228, 3-10229, 3-10230, 3-10231, 3-10232, 3-10233, & 3-10234.
3. This right is a split from former right 3-10214 .
4. T10N, R05W S17 NWSW is unsurveyed, nonfederal land except where noted by GCDB lot number.

Decreed Date: 7/9/2007

84180
84717

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 3-10233

Current Owner: MELINDA MULKEY
REED MULKEY

Priority Date: 1/15/1907

Origin: Water Right

Status: Active

Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Diversion Rate

0.1 CFS

Annual Volume

Total Diversion

0.1 CFS

Location of Point(s) of Diversion

SNAKE RIVER

L2(SW1/4NE1/4SW1/4)

Sec. 17, Twp 10N, Rge 05W B.M.

WASHINGTON County

Place of Use

IRRIGATION Within WASHINGTON County

T10N R05W S17

NWSW

2.40

T10N R05W S17

Lot 2

NWSW

2.60

Total Acres: 5

Conditions of Approval:

1. This right is a split from former right 3-10214 .
2. F06 The following rights are diverted through point of diversion described above:
3-4005, 3-10227, 3-10228, 3-10229, 3-10230, 3-10231, 3-10232, 3-10233, &
3-10234.
3. T10N, R05W S17 NWSW is unsurveyed, nonfederal land except where
noted by GCDB lot number.
4. 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.

Decreed Date: 7/9/2007

84717
84186



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 14, 2021

REED MULKEY
MELINDA MULKEY
327 AIRPORT RD
WEISER, ID 83672

**RE: Transfer No. 84717
Water Right Nos. 3-10233, 3-10234**

Dear Applicants:

The Department of Water Resources has received your water right transfer application. A comment letter was sent out April 19, 2021, to request comment for your Transfer of a Water Right. Upon further review of your application for transfer of a water right it was determined that under Idaho Statutes your application needs to be advertised and a formal protest period will be open. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the WEISER SIGNAL on 5/19/2021 and 5/26/2021. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

If you wish to withdraw this application, please submit to the office a Withdrawal of Application for Transfer form which is enclosed for your convenience and can be found on the Department website at <https://idwr.idaho.gov/files/forms/withdrawal-of-application-for-transfer.pdf>.

Please contact this office, or email Shilynn Novak: Shilynn.novak@idwr.idaho.gov if you have any questions regarding the application.

Sincerely,


Denise Lauerman
Administrative Assistant

Lauerman, Denise

From: Lauerman, Denise
Sent: Friday, May 14, 2021 9:30 AM
To: Diane Green
Cc: Dean G Johnson
Subject: Application for Transfer No. 84717, 84724; Water Right No(s). 3-10233, 3-10234, 3-4005
Attachments: Recommendation Form Transfer 84717 Mulkey.docx; Recommendation Form Transfer 84724 Callison.docx

Dear Ms. Green:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the applications at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the applications, then complete the enclosed recommendation form and return it to this office by **06/07/2021**.

If the applications are 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 **06/07/2021**, 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*
Idaho Dept. of Water Resources - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334.2190 | denise.lauerman@idwr.idaho.gov

Lauerman, Denise

From: Lauerman, Denise
Sent: Friday, May 14, 2021 9:30 AM
To: Fredric W Price
Subject: Application for Transfer No. 84717, 84724; Water Right No(s). 3-10233, 3-10234, 3-4005
Attachments: Recommendation Form Transfer 84717 Mulkey.docx; Recommendation Form Transfer 84724 Callison.docx

Dear Mr. Price:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the applications at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the applications, then complete the enclosed recommendation form and return it to this office by **06/07/2021**.

If the applications are 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.

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

Thanks!
Denise

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

Brad Little
Governor

Gary Spackman
Director

May 14, 2021

AUSTIN CALLISON
481 S ACADEMY LN
EAGLE, ID 83616-7470

**RE: Transfer No. 84717
Water Right Nos. 3-10233, 3-10234**

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. A comment letter was sent out April 19, 2021, to request comment for the Transfer of a Water Right filed by Reed and Melinda Mulkey. Upon further review of the application and in accordance with Idaho statutes, the Department has determined the application should be advertised and a formal protest period will be open. The application is scheduled for publication in the Weiser Signal on 05/19/2021 and 05/26/2021. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

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

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

Sincerely,

Denise Lauerman
Administrative Assistant

Enclosure(s)



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 14, 2021

MARY SUSAN ROACH
339 AIRPORT RD
WEISER ID 83672

**RE: Transfer No. 84717
Water Right Nos. 3-10233, 3-10234**

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. A comment letter was sent out April 19, 2021, to request comment for the Transfer of a Water Right filed by Reed and Melinda Mulkey. Upon further review of the application and in accordance with Idaho statutes, the Department has determined the application should be advertised and a formal protest period will be open. The application is scheduled for publication in the Weiser Signal on 05/19/2021 and 05/26/2021. You can find a copy of the application at:

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

Sincerely,

Denise Lauerman
Administrative Assistant

Enclosure(s)



State of Idaho

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Brad Little
Governor

Gary Spackman
Director

May 14, 2021

ROBERT D PATRICK
339 AIRPORT RD
WEISER ID 83672

**RE: Transfer No. 84717
Water Right Nos. 3-10233, 3-10234**

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. A comment letter was sent out April 19, 2021, to request comment for the Transfer of a Water Right filed by Reed and Melinda Mulkey. Upon further review of the application and in accordance with Idaho statutes, the Department has determined the application should be advertised and a formal protest period will be open. The application is scheduled for publication in the Weiser Signal on 05/19/2021 and 05/26/2021. You can find a copy of the application at:

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

Sincerely,

Denise Lauerman
Administrative Assistant

Enclosure(s)



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 14, 2021

MARTHA WEAVER
MICHAEL LEE WEAVER
1303 NW 16TH ST
FRUITLAND ID 83672

**RE: Transfer No. 84717
Water Right Nos. 3-10233, 3-10234**

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. A comment letter was sent out April 19, 2021, to request comment for the Transfer of a Water Right filed by Reed and Melinda Mulkey. Upon further review of the application and in accordance with Idaho statutes, the Department has determined the application should be advertised and a formal protest period will be open. The application is scheduled for publication in the Weiser Signal on 05/19/2021 and 05/26/2021. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

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

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

Sincerely,

Denise Lauerman
Administrative Assistant

Enclosure(s)

Lauerman, Denise

From: Lauerman, Denise
Sent: Thursday, May 13, 2021 9:12 AM
To: 'Sarah Imada'
Subject: WASHINGTON COUNTY Legal Notice - Application for Transfer No. 84717, 84724; Water Right No(s). 3-10233, 3-10234, 3-4005
Attachments: Cover Letter Washington County TR84717 TR84724.docx; Legal Notic Washington County TR84717 TR84724.docx

Good morning,

Please see the attached ad for publication on 05/19/2021 and 05/26/2021.

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 06/07/2021. Your cooperation is appreciated.

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

Thanks much!
Denise

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

Brad Little
Governor

Gary Spackman
Director

May 12, 2021

LEGAL NOTICE DEPARTMENT
WEISER SIGNAL
PO BOX 709
WEISER, ID 83672

RE: Transfer No. 84717, 84724
Water Right No(s). 3-10233, 3-10234, 3-4005

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 6/7/2021. Your cooperation is appreciated.

Sincerely,

Denise Lauerman
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84717**

REED MULKEY and MELINDA MULKEY, 327 AIRPORT RD, WEISER, ID 83672 has filed Application No. 84717 for changes to the following water rights within WASHINGTON County(s): Right No(s). 3-10233, 3-10234; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:

The transfer proposes to add a point of diversion for water rights 3-10233 and 3-10234. The applicants would like to have two points of diversion instead of one. This transfer requests to use an existing, shared point of diversion located 0.25 miles south of Hansen Rd and Airport Way. The site is located directly N of Smith Island and is approx 3 miles south of Weiser, ID.

TRANSFER NO. 84724

AUSTIN CALLISON, 481 S ACADEMY LN, EAGLE, ID 83616-7470 has filed Application No. 84724 for changes to the following water rights within WASHINGTON County(s): Right No(s). 3-4005; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:

The transfer proposes to change the point of diversion for water right 3-4005. This new, private POD will be located approximately 0.1 miles upstream of the current location in the Snake River. The site is located directly N of Smith Island. It is also approximately 0.5 miles southwest of Weiser Municipal Airport. It is approx 3 miles south of Weiser, ID near the intersection of Hansen Rd and Airport Way.

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 6/7/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/19/2021 and 5/26/2021



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

May 12, 2021

ROBERT D PATRICK
339 AIRPORT RD
WEISER ID 83672

Re: Transfer Application No. 84717

Dear Interested Party:

Thank you for the enclosed information, we have copied the information for the application file and are sending it back to you as requested.

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

Sincerely,

A handwritten signature in blue ink that reads "Denise Lauerman". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Denise Lauerman
Administrative Assistant
Western Regional Office

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGIONAL OFFICE
35 AIRPORT WAY
BOISE IDAHO 83705

ADDRESS SERVICE
REQUESTED

MARTHA WEAVER
MICHAEL LEE WEAVER
1303 NW 16TH ST
FRUITLAND ID 83672

836 836 83619 C3-44



6020210419-144507551

6

ADDRESS SERVICE REQUESTED

83619



RECEIVED

MAY 11 2021

WATER RESOURCES
WESTERN REGION

NIXIE 842 CC 1700 0105/05/21

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

MANUAL PROC REQ 0001N125200-02363

APR 29 2021

WATER RESOURCES
WESTERN REGION

April 26, 2021

Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

COPY

Transfer Application No.84717

We are enclosing "copies" of documentation and pictures of the problems Mr. Mulkey has created at the Sunnyside Orchard HOA pump and sump point of diversion area. Mr. Mulkey started by posting NO TREASPASSING signs on the county road right of way road which provides access to the HOA's irrigation system. He then fenced the entrance to the irrigation system which is south of his south property line. We have included a letter and pictures from Mike Weaver, grantor of the Sunnyside Orchard CCR's.

The next issue is correspondence to Mr. & Mrs. Mulkey pertaining to the exhaust/ cleanout line coming from the blue sand filter. We are including letters from the HOA and 2 attorneys. During the process of working on the sand filter exhaust line problem, the blue sand filter developed a leak. The high pressure with the pump running acted like a hydraulic dredge and severely washed out the area around the HOA's sump. The pictures show the blue sand filter with clamps on the failed end. The pictures show the large opening the Mulkey's made in the HOA's metal sump. The pictures show the washout around the HOA's sump and the new silver sand filter.

Mr. Mulkey has installed electrical wires out of his pump electrical box which are bare and unprotected. This wiring does not meet/conform to Idaho State Electrical Codes. This is a serious safety issue. Pictures are included.

A form has been submitted to Department of Water Resources requesting point(s) of diversion. Page 2 6.a. We have one pump active and had applied to move the pump downstream. We now are requesting to leave the existing pump where it is and put in a second pump in the new approved location. 6.b. Who owns the property at the point[s] of diversion? Answer "Reed Mulkey". This is not correct. The pictures and documentation show the active pump is in the Sunnyside Orchard HOA's sump. This location is south of Mr. Mulkey's south property line at the Point of diversion granted to Marion W. Smith and Amel A. Smith in the late 1950's.

The Sunnyside Orchard HOA respectfully requests that you grant permission to the Mulkey's to move their active pump downstream to the southwest corner of lot 100.

The legal counsel for the Sunnyside Orchard HOA is S. Bryce Farris of Sawtooth Law.

Yours truly



Robert D. Patrick pres. Sunnyside orchard HOA

COPY

File
copy

Reed Mulkey
327 Airport Rd.
Weiser, ID 83672

July 1, 2018

Mr. Mulkey,

The blow off line or cleaning line coming out of your irrigation pump sand trap has a 45 degree fitting that needs to be removed because it is blowing water and sand on the shaft and bearings of the Sunnyside Homeowners irrigation pump. The shaft is already rusted and we have not yet ascertained the damage to the bearings.

By blowing all the water and sand back into the sump, you are polluting the water source in the sump and building up a reservoir of sand and debris in the sump. You need to **immediately** direct your blow off line away from the sump area and not in the sump.

In the future, any changes that you want to make in the area of the HOA sump, pump or bubbler, you will contact the Sunnyside Orchard Homeowners Association. Otherwise it will be considered a trespass of the HOA property and will be handled accordingly.

Sunnyside Orchard HOA

Mary Sue Roach, Secretary/Treasurer

Mary Sue Roach

May 5, 2019

COPY

Mr. Mulkey

There seems to be a misunderstanding about directing the water and sand waste from your sand trap unit away from the HOA facility and not eroding the HOA sump and pump area.

I have enclosed a drawing to explain what is required to properly dispose of the high pressure water waste from your sand trap. This also buries the water exhaust line for the "Safety" of HOA owners and any person irrigating HOA property.

This needs to be completed within 30 days. "No" water and sand waste from the sand trap is to be released until it is completed. When this is completed, notify the HOA president by mail. It will be inspected for compliance, proper burial and compaction of soil.

Legend:

1. Mulkey pump
2. Mulkey sand trap
3. Galvanized pipe and elbow of proper angle extending from Mulkey sand trap full size of exit hole. The pipe and elbow will be approx. 6" below the ground level. Soil will be compacted as firmly as possible in the trench to avoid erosion.
4. Schedule 40 PVC pipe same size as galvanized exit pipe and proper length to reach the river water area. Installed in the trench and compacted as above.
5. Elbow of proper angle and schedule 40 PVC pipe extended up out of the ground to direct waste water to river.
6. 18" of ½ " rebar firmly driven into the ground to maximum depth to allow attaching to extended pipe as shown with several wraps of copper wire for corrosion resistance. Rebar, and pipe to be spray painted orange, red, or fluorescent for safety identification and visibility.

Per: RD Patrick GIT

Robert Patrick HOA president

339 Airport Rd.

Weiser, Idaho 83672

Sump

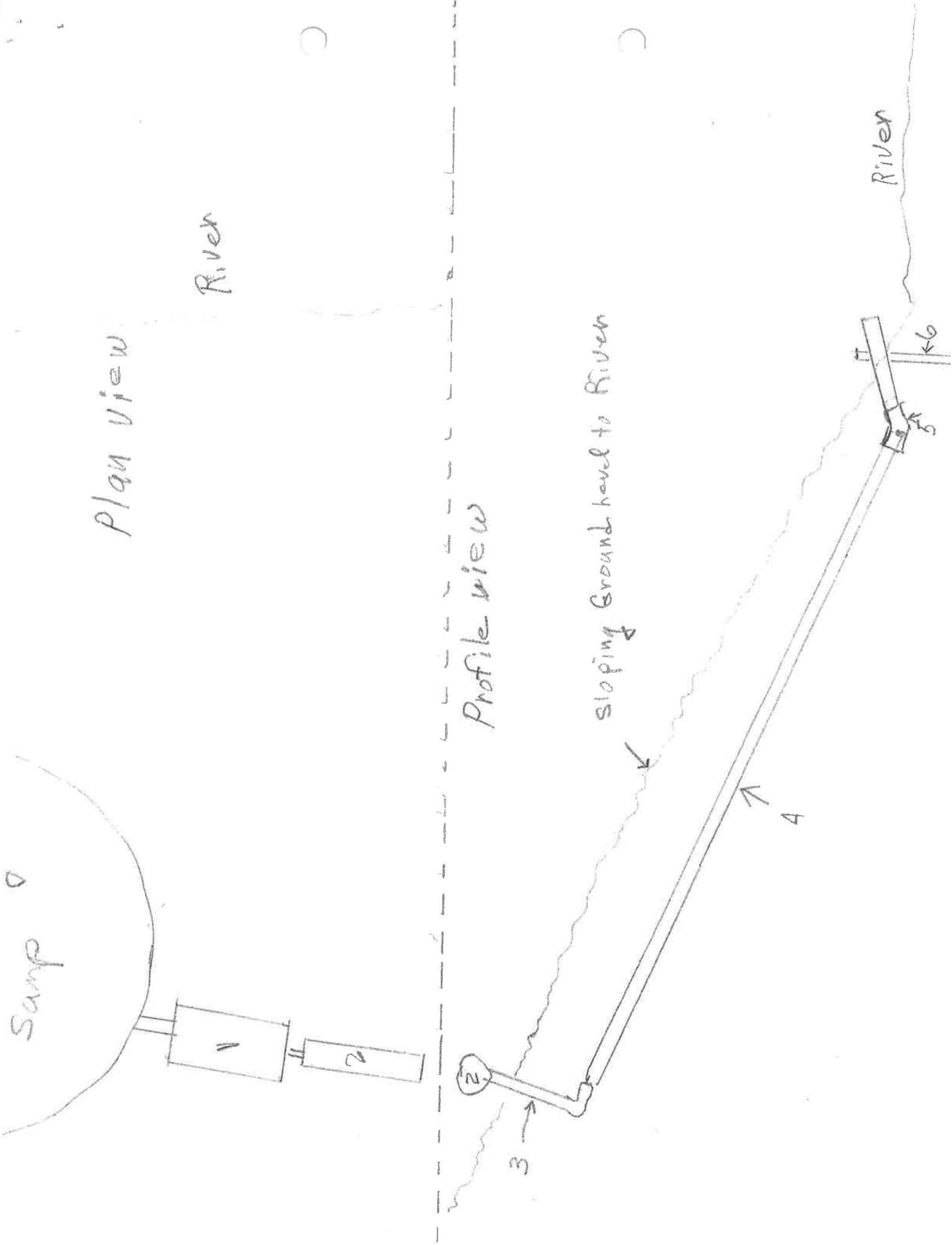
Plan view

River

Profile view

sloping Ground level to River

River



COPY

8/13/19

Dear Home Owner Association Sunnyside,

I do not Remember Giving Mr. Mulkey permission to put His private irrigation Pump into the Home Owners Sump.

I do Remember Mr. Mulkey Fencing That Sump Away from the Rest of the home owners, and Telling him That The other property Owners needed Access to the Pump and the Sump.

If I can be of any help to the H.O.A., let me know. It was my intention to make This development a unique and wonderful place to Live.

Sincerely,

Mike Weaver

208-741-0926

2212 Lake Shore Dr.

Klamath Falls, Or 97601



DEF00010



DEF00013

Nicholas T. Bokides

ATTORNEY AT LAW

131 WEST MAIN STREET, P.O. BOX 28

WEISER, IDAHO 83672-0028

(208) 414-0611

FACSIMILE 2084140627

EMAIL NBOKIDE@RURALNETWORK.NET

September 6, 2019

COPY

Eban Masingill
MASINGILL LAW, P.A.
P.O. Box 467
Weiser, ID 83672

Re: Nate and Reed Mulkey/Sunnyside Orchard HOA, Inc.

Dear Eban:

Pursuant to our recent phone conversation, it is my understanding you represent Reed and Melinda Mulkey and their son, Nate Mulkey. I have been retained by Sunnyside Orchard HOA, Inc. (herein "Sunnyside") to resolve a number of issues with your clients.

Initially, we would note that the Mulkey pump uses Sunnyside's sump. Sunnyside does not object to the common use of the sump, as long as the Mulkey installation does not damage or interfere with Sunnyside's pump and operations.

We would note that we have been in touch with the developer of this subdivision. He informs us that Mulkey paid none of the costs of the sump and was never granted any right in the sump, except through its membership in Sunnyside. If you have documentation that demonstrates your clients have some interest in the sump, independent of their membership in Sunnyside, please provide it.

As I believe you are aware, we found the sand filter's discharge from the Mulkey pump being directed at the bearings on the Sunnyside pump. This appeared to be an intentional attempt to damage Sunnyside's property.

Sunnyside's position is that, the water (and sand) discharge line from the Mulkey sand filter should be permanently attached to the filter, and routed, underground, to a location where it will discharge into the river. This would resolve Sunnyside's concern that the sand filter discharge could be harmful to Sunnyside's property or the common area. A plan was provided to Mulkey by Sunnyside and we would suggest Mulkey utilize such plan. If Mulkey has some other proposal, we are happy to review it and see if it is acceptable.

We expect Mulkey to install a permanent underground discharge line in accordance with the plan provided to him, or if Mulkey has some other plan, to provide such plan to us for our preapproval. Sunnyside will inspect the discharge line before and after it is buried, and assuming the plan and installation are approved by Sunnyside, that should resolve this issue

If, before the beginning of the next irrigation season, Mulkey fails to permanently bury its sand filter discharge line, in accordance with the above, Mulkey's pump will be removed from the Sunnyside sump and Mulkey will be required to install its own sump.

Nate Mulkey does not own property that is within Sunnyside and has no interest in Sunnyside. As you have been made aware, Nate Mulkey is a party to an agreement executed by Robert Patrick and Mary Susan Roach, which prohibits contact between Mulkey and Roach and Patrick. Nate Mulkey is not to be present at any future meetings of Sunnyside at the Roach/Patrick home, or if Roach and/or Patrick will be present. You, or any person from your firm, that holds a valid proxy for Reed and Melinda Mulkey, and provides the required notice, are welcome to attend association meetings and exercise such proxy.

Thank you for your attention to this matter.

Yours very truly,



Nicholas T. Bokides
NTB:th

Boise Office

1101 W. River St., Ste. 110

P.O. Box 7985

Boise, Idaho 83707 *Ed, 214*

Tel. (208) 629-7447

Challis Office

1301 E. Main Ave.

P.O. Box 36

Challis, Idaho 83226

Tel. (208) 879-4488

Twin Falls Office

236 River Vista Place

Suite 301

Twin Falls, Idaho 83301

Tel. (208) 969-9585

Fax (all offices)

(208) 629-7559



SAWTOOTH LAW

OFFICES, PLLC

David P. Claiborne *

S. Bryce Farris

Patxi Larrocea-Phillips

Evan T. Roth

Daniel V. Steenson

Andrew J. Waldera **

James R. Bennetts (retired)

Katie L. Vandenberg

Attorneys licensed in Idaho
** Also licensed in Washington*
*** Also licensed in Oregon*

Tuesday, April 07, 2020

Via Certified Mail

Reed and Melinda Mulkey
327 Airport Road
Weiser, ID 83672

COPY

Re: Sunnyside Orchard; Use of Sump and Delinquent Assessments.

Dear Mr. and Mrs. Mulkey:

Please be advised that this law firm represents Sunnyside Orchard HOA, Inc. (hereinafter "HOA") and I have been asked to follow up prior correspondence to you regarding your use of the HOA sump and other matters concerning the HOA.

With regarding to the use of the HOA sump, Mr. Nicholas Bokides previously sent a letter to Ebin Masingill on September 6, 2019. I am not aware that you or Mr. Masingill responded to the letter, but if so, please provide me with said response. Also, please advise if you are represented by Mr. Masingill and I will correspond directly with him. The issue continues to be that you have installed a separate pump for delivery of irrigation water to your property and you have installed the pump by using the existing HOA sump. I understand you intend to use this separate pump to deliver water to the two properties you currently own, Lots 100 and 101, for irrigation purposes. Mr. Bokides directly requested that you provide documentation of any interest you may independently have in the sump, independent of your interest in the HOA, and I have not received a response and thus I will assume you have none.

That said, and as mentioned in Mr. Bokides' letter, the HOA has no objection to your installation of a separate pump for delivery of irrigation water to your property, or to the common use of the existing sump, but such use cannot interfere with or damage the HOA's pump, sump, operations or delivery of irrigation water to the rest of the HOA properties. The HOA, through Mr. Bokides, even provided a plan which it contends would eliminate some of the interference and damage and to date there has been no response or attempt to resolve the issue. Unfortunately, you have not done anything to address the issues, the damage has persisted and has even become more significant and now we are coming up on the 2020 irrigation season.

Thus, the HOA repeats its demands that you take the action outlined in Mr. Bokides' letter and to cease any damage or interference with the HOA's sump, pump or operations. This includes repairing/restoring the washed out area around the sump to the same condition as before the washout (i.e. compacted), and acceptable to the HOA, and ensuring that your pump and system will not cause any further damage. Before the washout the HOA was able to walk around to the north side of the sump in inspect the sump and this area has been completely washed away. The HOA also believes that the filter has leaked and/or will leak when you begin use and thus you need to repair the filter and pump to make sure it does not cause future damage or washouts. You have tied into the HOA sump and property and thus you must provide assurances and a plan that your irrigation system is approved and will not cause any further damages. You disregarded the prior demands by Mr. Bokides and thus this letter is to demand that such actions be taken within ten (10) days of the date of this letter or the HOA will take further action, including but not limited to, removing your pump from the HOA's sump and/or taking legal action to enjoin any further damage or interference.

Additionally, the HOA sent you an assessment on February 14, 2020 in the amount of \$348.54, which primarily relates to legal expenses incurred in bring a property owner within the HOA into compliance. To date, said assessment has not been paid by you. Demand is hereby made that you pay the delinquent assessment within thirty (30) days of the date of this letter. If you do not pay the delinquent assessment then please be advised that the HOA intends to take legal action to collect the delinquent assessments as provided by Section 7 of the CC&Rs, including seeking reimbursement of interest, its attorney fees and costs as provided by Section 7.05 of the CC&Rs.

I look forward to your anticipated cooperation. Please contact me with any questions.

Yours very truly,

S. Bryce Farris

Cc: Client

4/8/2021

Reed & Melinda Mulkey

327 Airport Rd.

Weiser, Idaho 83672

COPY

Mr. & Mrs. Mulkey

We are enclosing pictures of illegal installed electrical wires at your power box and power pole. These do not meet Idaho electrical codes and are an extreme hazard to all the irrigators and HOA members. There is also broken electrical conduit with open wires between your two electrical boxes on your pole. This area needs to be repaired by an electrical contractor to comply with Idaho Electrical code.

We have work men scheduled to repair the eroded area around the HOA's sump. You need to remove all the concrete blocks and rocks from around the sump, so the repair can be accomplished. The repair of the washed out area is scheduled in about one week.

The HOA strongly requests immediate resolution of the two about issues. The electrical situation is a very serious safety issue. The HOA requests a response in 5 days for immediate repair of the electrical wiring to Idaho State Code.

If the HOA does not receive a response with an approved plan for repair, we will proceed with Section 7.08 of the CCR's.

Mary Susan Roach sec/trea.

Robert Patrick Pres.

CC: Masingill

COVENANTS, CONDITIONS AND RESTRICTIONS

COPY

ARTICLE I:

RECITALS

Instrument # 209797

STATE OF IDAHO, COUNTY OF WASHINGTON
7-7-2008 12:37:00 No. of Pages: 16

Recorded for : AMERITITLE

SHARON WIDNER

Ex-Officio Recorder Deputy

Index to: MSC RECORDING

Fee: 48.00

Lisa McKnight

WHEREAS, the undersigned, Grantors are the owners of certain land, in Washington County, Idaho, more particularly described as:

A parcel of land situated within Section 17, Township 10 North, Range 5 West, Boise Meridian, within Sunnyside Orchard Tract as the same is shown on the official plat thereof on file in the Office of the County Recorder of Washington County, Idaho, more particularly described as follows:

All of Lots 93, 94, 95, 96, 97, 98, 99, 100 and 101 of said Sunnyside Orchard Tract;

SAVE AND EXCEPT that portion of said Lot 93 north of the following described line;

Beginning at the northeast corner of Lot 91 of Sunnyside Orchard Tract as the same is shown on the official plat thereof on file in the office of the County Recorder of Washington County, Idaho;

Thence South 0°07'50"E, a distance of 1129.77 feet along the east line of said Lots 91, 92 and 93 of said Sunnyside Orchard Tract to the TRUE POINT OF BEGINNING;

Thence N 89°58'10"W, a distance of 321.87 feet;

Thence S 50°29'34"W, a distance of 50.45 feet;

Thence S 7°03'25"W, a distance of 122.62 feet;

Thence N 87°34'51"W, a distance of 282 feet, more or less, to a point on the westerly line of said Lot 93 and POINT OF ENDING.

AND

All of the land lying between the Westerly boundary line of the above-described parcel and the high water mark of the main channel of the Snake River.

SUBJECT TO a 40 foot wide ingress-egress and utility easement, between 20 feet wide on each side of the centerline of an existing roadway extending south from the intersection of County roads known as Airport Road and Hansen Road to a point on the high water mark of the bank of the Snake River. This easement is subject to an existing irrigation ditch along the West side of said roadway and is appurtenant to adjacent Lots of said Sunnyside Orchard Tract and access to existing irrigation pump on the South side of said Lot 101.

WHEREAS, the Property will be developed pursuant to the ordinances of Washington County, Idaho, for residential uses; and

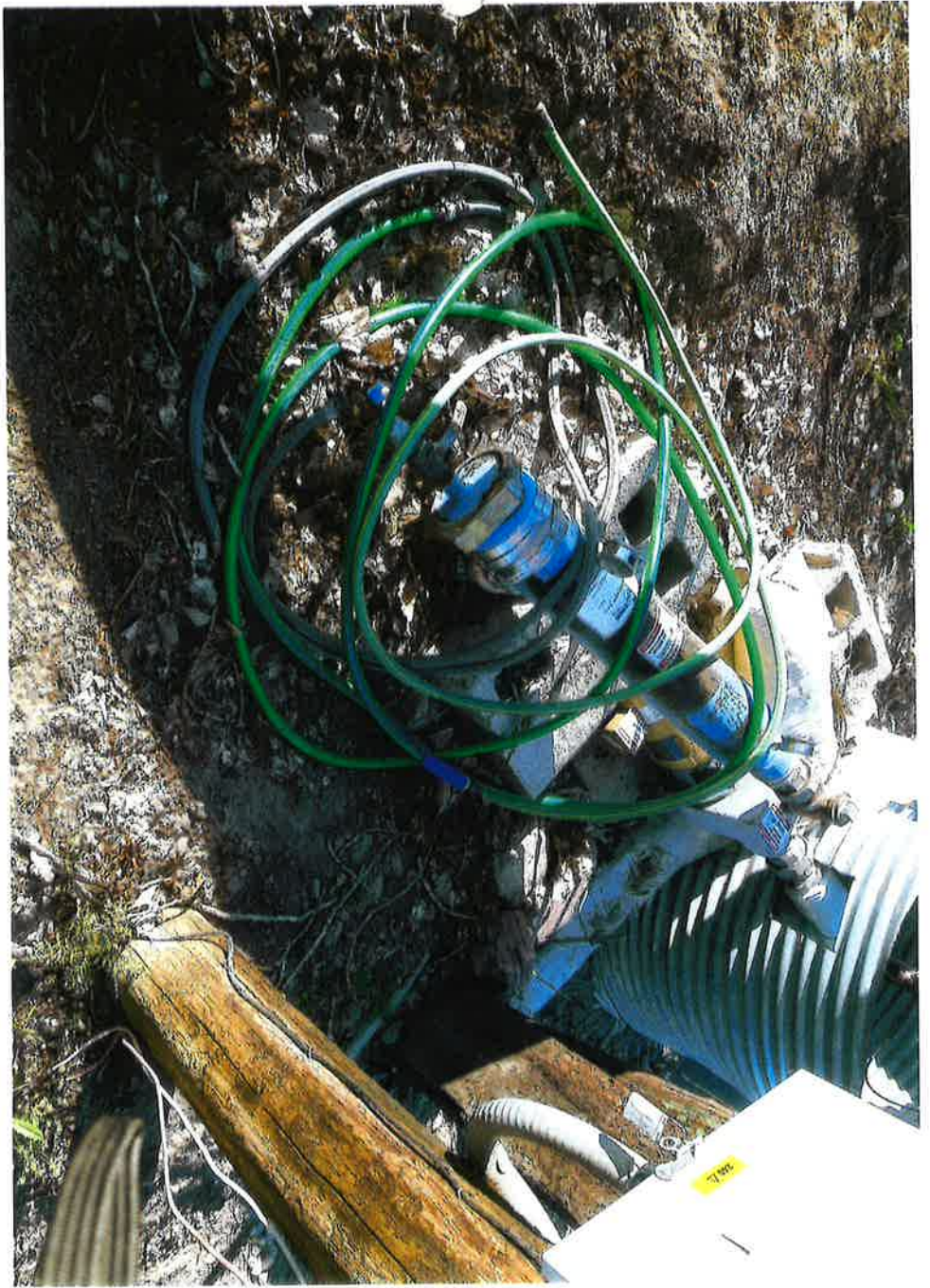
WHEREAS, the Grantors desire to subject the Property to the covenants, conditions, restrictions, easements, reservations, limitations, and equitable servitude herein set forth to insure the proper design development, improvement and use of the Property by the Grantors and all other persons or entities who may subsequently acquire an interest in the Property.

ARTICLE II:

DECLARATIONS

SPECIAL CONDITIONS: The following conditions specific to above-described parcels of land apply:

The Grantors hereby declare that all Property located within the above-described parcels of land which is described herein together with all descriptions in any Exhibits and attachments, and each lot, tract or parcel thereof (hereafter called "Lot" unless specified to the contrary), is and shall be held, sold, conveyed, encumbered, leased, used, occupied, and improved subject to the following covenants, conditions, restrictions, easements, reservations, limitations and equitable servitude (hereafter collectively called "Covenants and Restrictions"), all of which are declared and agreed to be in furtherance of a general plan for the protection, maintenance, subdivision, improvement and sale of the above-described parcels of land and each Lot therein, and to enhance the value, desirability and attractiveness thereof. The covenants and conditions set forth herein shall run with the land and each estate therein, and shall be binding upon all persons having or acquiring any right, title or interest in the above-described parcels of land or any Lot therein, and shall insure to the benefit of and be binding upon the Grantors and each Owner, and each successor in interest of each, and may be enforced by the Grantors and by any Owner, as hereafter provided. Notwithstanding the foregoing, no provision of this Declaration shall be construed or enforced to prevent or limit the Grantors' right to complete



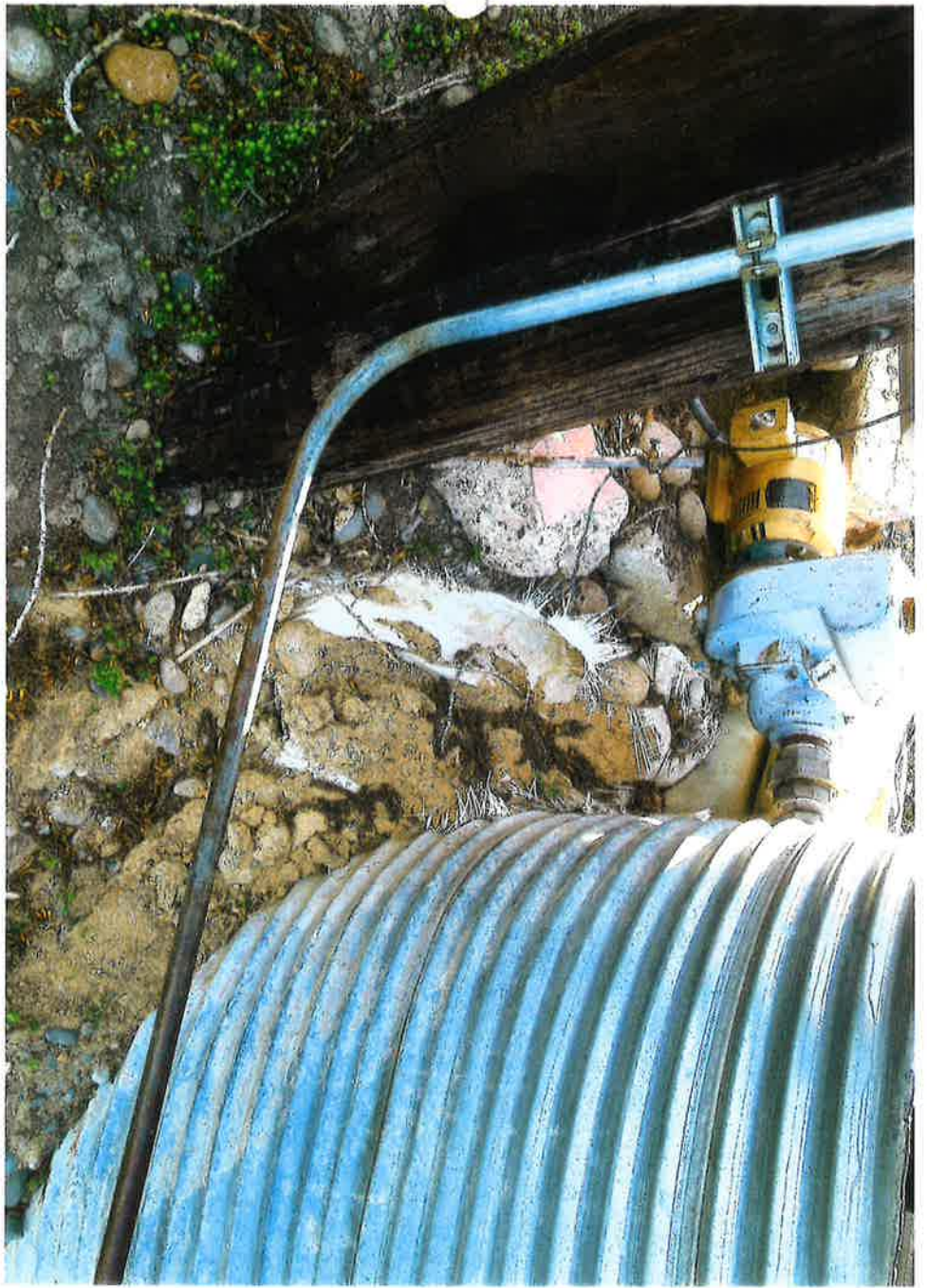
COPY



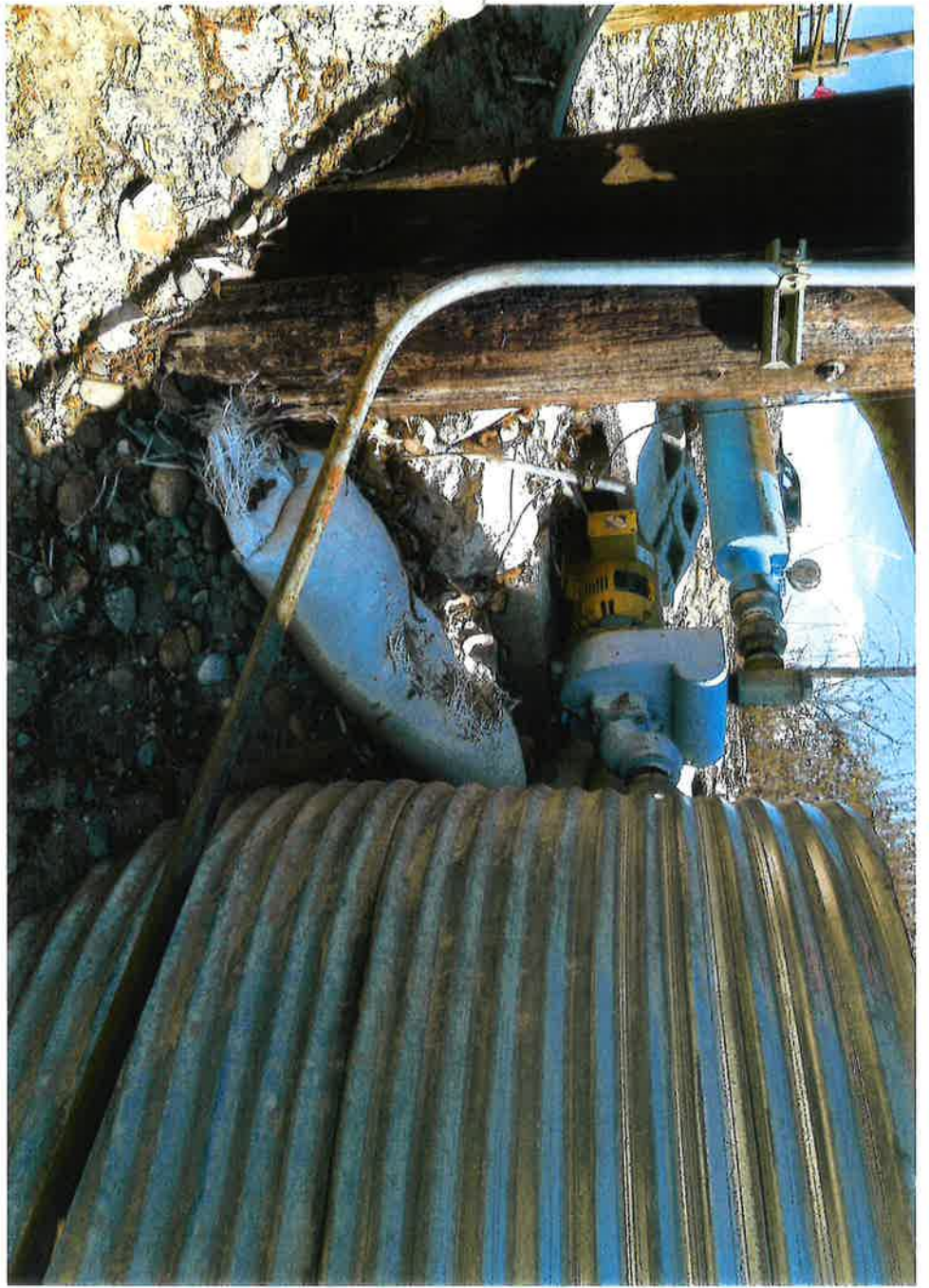
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COPY

OF IDAHO
TMENT OF WATER RESOURCES
RW REGIONAL OFFICE
RPORT WAY
IDAHO 83705

DRESS SERVICE
REQUESTED

UNABLE TO
FORWARD

AUSTIN CALLISON
481 S ACADEMY LN
EAGLE ID 83616-7470

PRST FIRST-CLASS MAIL
U.S. POSTAGE PAID
Boise
PERMIT # 1

C3-42

836 836 83616



6020210419-144504984

6

ADDRESS SERVICE REQUESTED

83616



RECEIVED

APR 26 2021

WATER RESOURCES
WESTERN REGION

NIXIE

842 4C 1

0104/23/21

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

0091N113182-03161



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

April 19, 2021

MARTHA WEAVER
MICHAEL LEE WEAVER
1303 NW 16TH ST
FRUITLAND ID 83672

Re: Transfer Application No. 84717

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



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

April 19, 2021

ROBERT D PATRICK
339 AIRPORT RD
WEISER ID 83672

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

Sincerely,

Denise Lauerman
Administrative Assistant
Western Regional Office

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 19, 2021

MARY SUSAN ROACH
339 AIRPORT RD
WEISER ID 83672

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Sincerely,

Denise Lauerman
Administrative Assistant
Western Regional Office

Enclosures



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

April 19, 2021

AUSTIN CALLISON
481 S ACADEMY LN
EAGLE ID 83616-7470

Re: Transfer Application No. 84717

Dear Interested Party:

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

Sincerely,

A handwritten signature in blue ink that reads "Denise Lauerman".

Denise Lauerman
Administrative Assistant
Western Regional Office

Enclosures