

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 09 2021

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

WATER RESOURCES
WESTERN REGION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8.](#) Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Niki Hutchinson Phone 208-462-3182

2. **MAILING ADDRESS** 545 Middle Fork Rd City Garden Valley

State ID Zip 83622 Email lorretta52@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 65-10844

- ☒ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 1.61 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

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

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

[illegible]

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:

5 HP pump, will accommodate a measuring device if needed

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

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

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, *Water Rights*, *Water Right Transfers*, *File a Transfer Application*, *Step 2C*.

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

[Signature]
Signature of applicant or authorized agent

Miki Hutchinson
Print name and title if applicable

2-9-2021
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

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

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by LE Date 02/09/2021

Fee paid \$580.00 Date 02/09/2021 Receipted by LE Receipt # W049084

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)

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/8/2021

Water Right 65-10844

Owner Type **Name and Address**
Current Owner H LLOYD KALBLINGER
545 MIDDLE FORK RD
CROUCH, ID 83622
(208) 462-3182

Original Owner COY K WOOD
12282 DEER FLAT RD
NAMPA, ID 83686
(208) 466-4860

Priority Date: 6/1/1900

Basis: Decreed

Status: Active

Source
LIGHTNING CREEK

Tributary
MIDDLE FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	1.610 CFS	
	<u>Total Diversion</u>		1.610 CFS	

Source and Point(s) of Diversion

LIGHTNING CREEK SENW Sec. 24, Twp 10N, Rge 04E, BOISE County

Place Of Use

IRRIGATION within BOISE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04E	26										10.0	31.0						41.0
10N	04E	35						21.0											21.0

POU Total Acres: 62.0

Conditions of Approval:

1. THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-10845 & 65-10847A SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD HEADGATE.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 62.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-10845 & 65-10847A.
3. 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/8/2021

Comments:

1. RHOWERTO 12/16/1999 DELIVERY LOSS COMMENT
RIGHT CONTAINS DELIVERY LOSS, PRBA ALLOWED AN ADDITION TO A RATE OF AN
INCH PER ACRE TO COMPENSATE FOR DELIVERY LOSSES.
2. AJU10-JS 1/31/2000 AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information

Decreed Date: 11/3/2000
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
65-10844 ,65-10847A ,65-10845		62.0

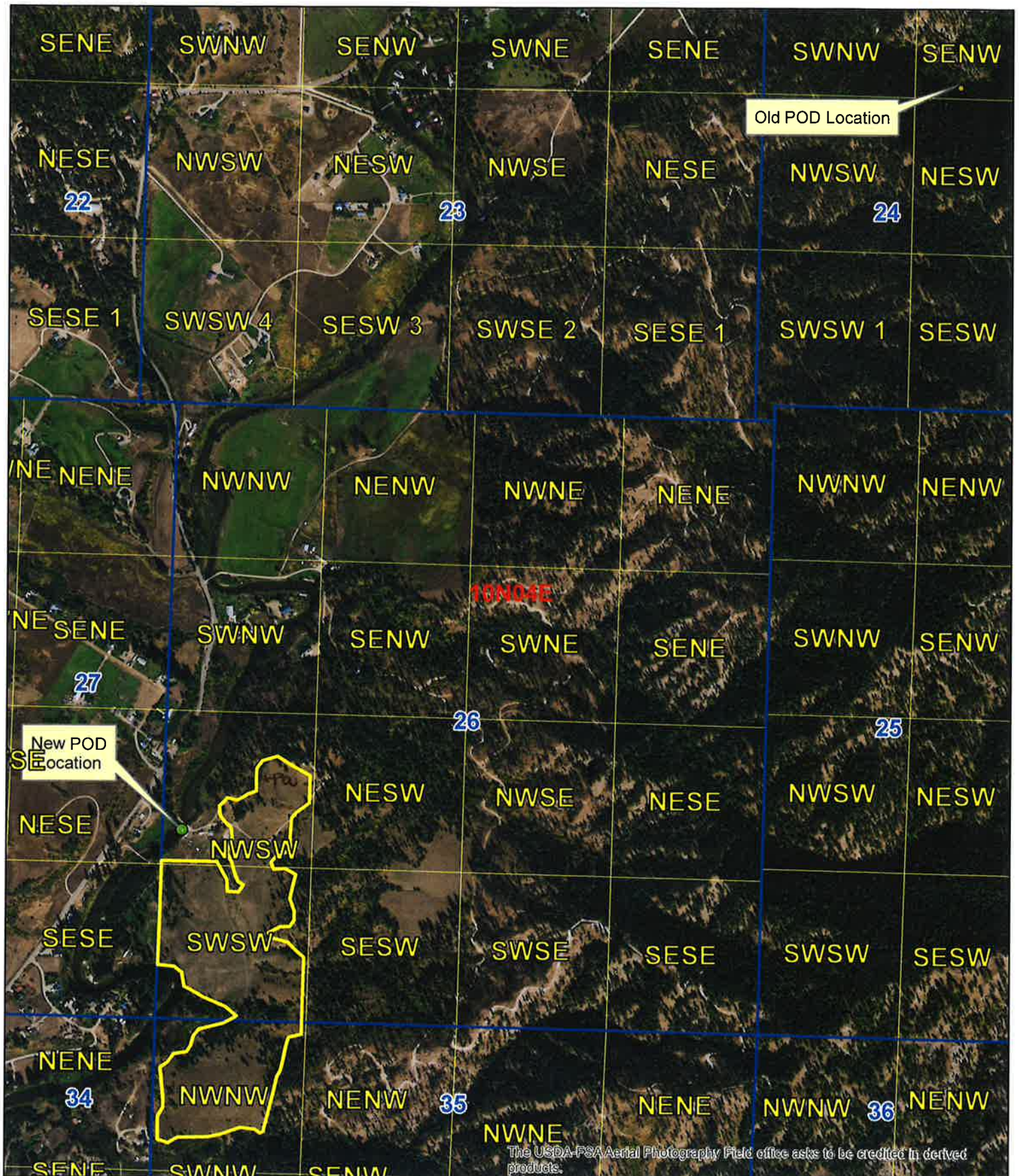
SubCase:

N/A

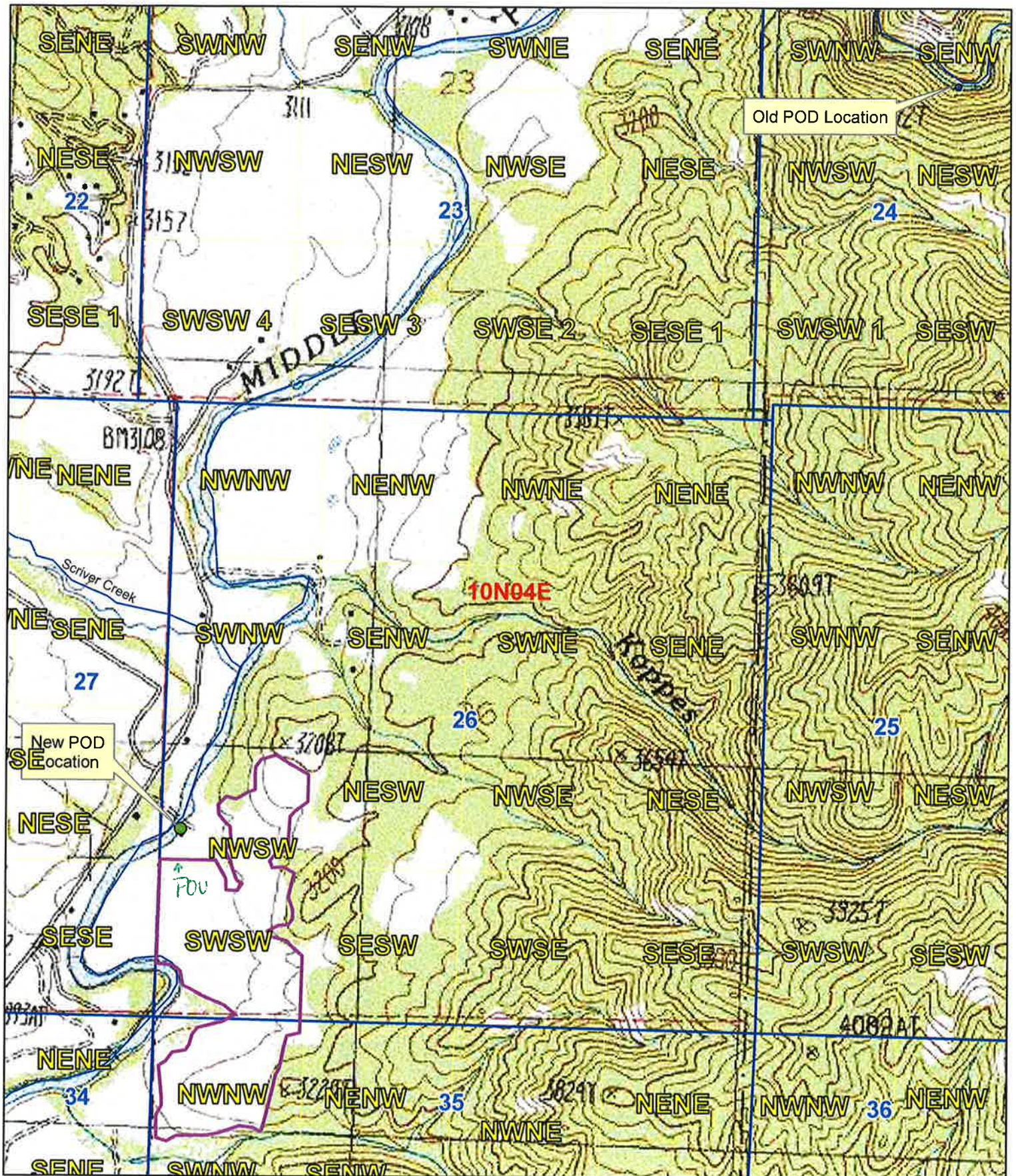
Water Supply Bank:

N/A

Map for 65-10844 Transfer Hutchinson



Map for 65-10844 Transfer Hutchinson



84806

Narrative for 65-10844 Transfer Application

Lightning Creek has reliable water flowing through to the Middle Fork Payette River. The original canal that brought water from the POD location blew out and the cost is too much to repair and replace. The repairs would include replacing and repairing approximately one mile of canal. The water still flows into the Middle Fork Payette River from Lightning Creek and the creek is full year-round. This transfer is to use the water that flows from Lightning Creek into the Middle Fork Payette River and capture it downstream. The water will only be pumped when there is water available in Lightning Creek.

The irrigation water is generally taken from May to October since the area is still wet.

QUITCLAIM DEED

FOR VALUE RECEIVED,

Niki Hutchinson, Personal Representative for Lloyd Kalblinger estate

GRANTOR, does hereby grant, bargain, sell and convey unto:

Niki Hutchinson

GRANTEE, whose current mailing address is:

*545 Middle Fork Rd.
Garden Valley, ID 83622*The following described real property located in *Boise* county, state of *ID*, more particularly described as follows:*See Attached*

Together with their appurtenances.

Niki Hutchinson
Signature*Jan. 21-2021*
Date*Personal Representative*
Lloyd Kalblinger
Signature

Date

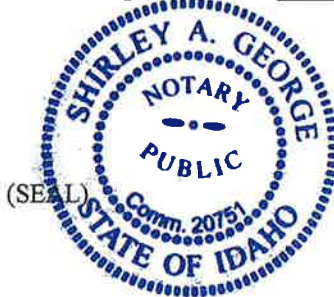
STATE OF *Idaho*)COUNTY OF *Boise*)On this 21 day of Jan in the year 2021, before me, a notary public in and for said State, personally appeared Niki Hutchinson, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of Lloyd Kalblinger, and acknowledged to me that she executed the same as such Personal Representative.*Shirley A. George*
Notary Public for IdahoResiding at *Idaho City*
My commission expires: 6-27-2023

EXHIBIT "A"

The SW1/4 of Section 26, except that part of the NW1/4 of said SW1/4 lying north and west of the county road, said exception containing two acres, more or less; also all that part of the NW1/4 of the NW1/4 of Section 35, lying north of Pyle Creek, all in T-10-N, R-4-E, B.M., subject to an easement for a road over a strip 30 feet wide extending from the point of intersection of the Middle Fork of the Payette River with the north line of the NW1/4 of the SW1/4 of said Section 26, thence south along the river's edge 525 feet, thence due west 380 feet to the county road. Together with all their interests in Lightning Creek Ditch. Also that irregular piece or parcel of land bounded on the west by the county road, on the east by the section line common to Sections 26 and 27, on the SW by the land used by Henry W. Clark for his home building, touched on the SE by the Middle Fork of the Payette River and being in Section 27, T-10-N, R-4-E, B.M.

ALSO the east half of the SE1/4 of Section 26, T-10-N, R-4-E, B.M.

EXCEPT the following described tract, to-wit: A part of the SE1/4 of Section 27 and a part of the SW1/4 of Section 26, located in T-10-N, R-4-E, B.M., Boise County, Idaho. Being more particularly described as follows: Beginning at the west quarter corner of Section 26, T-10-N, R-4-E, B.M., Boise County, Idaho; thence S 1°34'20" W 1065.26 feet along the west side of said Section 26 to a point on the west bank of the Middle Fork of the Payette River and the real point of beginning; thence S 68°10' W 245.26 feet along the west bank of said River to a point; thence N 51°32' W 171.93 feet along an existing fence line to a point on the east side of a County Road; thence N 35°02'30" E 372.17 feet along the east side of said County Road to a point; thence S 56°01'40" E 326.94 feet to a point on the west bank of said river; thence S 41°37'10" W 185.36 feet along the west bank of said river to a point, the real point of beginning.

Together with all water rights appurtenant thereto or used in connection therewith.

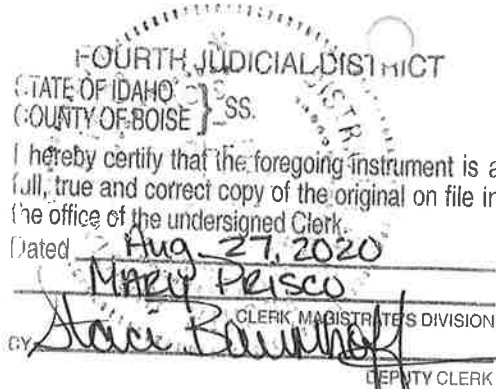
EXHIBIT "A",

Shelly H. Cozakos, ISB No. 5374
Cozakos & Centeno, PLLC
2537 W. State Street, Suite 140
Boise, Idaho 83702

Mailing:

P.O. Box 7626
Boise, ID 83707
Telephone: 208.506.3300
shelly@pclawboise.com

Attorneys for Applicant



Instrument # 272264

IDAHO CITY, BOISE COUNTY, IDAHO
1-21-2021 11:37:42 AM No. of Pages: 2
Recorded for : NIKI HUTCHINSON
MARY T. PRISCO Fee: 13.00
Ex-Officio Recorder Deputy *Shelly Cozakos*
Index to: MISCELLANEOUS

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOISE

IN THE MATTER OF THE ESTATE OF,

H. LLOYD KALBLINGER,

Deceased

Case No. CV08-20-00156

LETTERS TESTAMENTARY

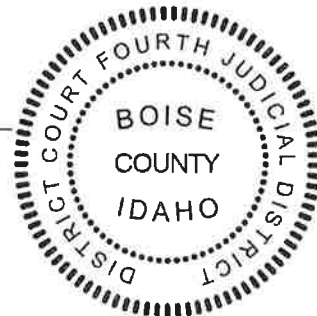
Niki Hutchinson is hereby appointed personal representative of the Estate of H. Lloyd Kalblinger, deceased (the "Estate"), with all authority pertaining thereto. Administration of the estate is unsupervised.

These Letters are issued to evidence the appointment, qualification, and authority of Niki Hutchinson as the Personal Representative of the Estate.

WITNESS: Magistrate Judge of the Fourth Judicial District Court, County of Boise, State of Idaho, with the seal of the Court affixed this 26 day of August, 2020.

Signed: 8/26/2020 04:25 PM

REC-10
MAGISTRATE JUDGE



CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on Signed: 8/27/2020 08:43 AM I caused a true and correct copy of the foregoing document to be served as follows:

Shelly H. Cozakos
Cozakos & Centeno, PLLC
2537 W. State St., Ste. 140
P.O. Box 7626
Boise, ID 83707

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Facsimile
- ☒ Email/iCourts – shelly@pclawboise.com
laurie@pclawboise.com

Clerk of the Court

By Staci Baumhoff
Deputy Clerk

STATE OF IDAHO
CERTIFICATION OF VITAL RECORDS

STATE OF IDAHO
IDAHO DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS
CERTIFICATE OF DEATH

Date Filed JULY 29, 2020

State File No. 2020-08341

DECEDENT - LEGAL NAME H. LLOYD KALBLINGER AKA: HAROLD LLOYD KALBLINGER			
SEX MALE	SOCIAL SECURITY NUMBER	AGE 89 YEARS	DATE OF BIRTH JUNE 1, 19
BIRTHPLACE VALENTINE, NEBRASKA		PLACE OF RESIDENCE GARDEN VALLEY, IDAHO	
MARITAL STATUS AT TIME OF DEATH DIVORCED		NAME OF SURVIVING SPOUSE (if wife, maiden name)	WAS DECEDENT EVER IN U.S. ARMED FORCES? YES
FATHER - NAME ROY KALBLINGER			BIRTHPLACE NEBRASKA
MOTHER - MAIDEN NAME LEONA WAUER			BIRTHPLACE NEBRASKA
METHOD OF DISPOSITION CREMATION		FUNERAL SERVICE LICENSEE JOHN L. BUCK	
NAME AND ADDRESS OF FUNERAL FACILITY POTTER FUNERAL CHAPEL, EMMETT, IDAHO			
DATE OF DEATH JULY 26, 2020	TIME OF DEATH	CITY, TOWN OR LOCATION OF DEATH GARDEN VALLEY, IDAHO	COUNTY OF DEATH BOISE
CAUSE OF DEATH (underlying cause last)			Approximate Interval Between Onset and Death 2 WEEKS
DUE TO (or as a consequence of):			2 WEEKS
DUE TO (or as a consequence of):			2 WEEKS
DUE TO (or as a consequence of):			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above			WAS AN AUTOPSY PERFORMED? NO
MANNER OF DEATH NATURAL	NAME OF CERTIFIER CHRISTINE COOPER, N.P.		TITLE A.P.R.N.
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
EXTERNAL CAUSES ONLY			
DATE OF INJURY	TIME OF INJURY	PLACE OF INJURY	INJURY AT WORK?
LOCATION WHERE INJURY OCCURRED			
DESCRIPTION OF HOW INJURY OCCURRED			

AMENDED: 08/11/2020

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

DATE ISSUED: AUGUST 14, 2020

This copy not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

James B. Aydelotte
JAMES B. AYDELOTTE
STATE REGISTRAR





Brad Little
Governor

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

Gary Spackman
Director

March 31, 2021

NIKI HUTCHINSON
545 MIDDLEFORK RD
GARDEN VALLEY, ID 83622-5007

RE: Transfer No. 84806
Water Right No(s). 65-10844

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. 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 IDAHO WORLD on 4/7/2021 and 4/14/2021. 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.

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

Sincerely,

Denise Lauerman
Administrative Assistant

Lauerman, Denise

From: Lauerman, Denise
Sent: Wednesday, March 31, 2021 3:35 PM
To: 'wd65@srvinet.com'
Subject: Application for Transfer 84806
Attachments: Watermaster Recommendation Form.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. You can find a copy of the application 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 **04/26/2021**.

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 **04/26/2021**, 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: Wednesday, March 31, 2021 3:01 PM
To: Eileen K. Capson
Subject: BOISE COUNTY Legal Notice - Application for Permit No. 65-24022, Transfer No. 84806; Water Right No(s). 65-10844
Attachments: Cover Letter Boise County TR84806 65-24022.docx; Legal Notice TR84806 65-24022.docx

Good afternoon,

Please see the attached ad for publication on 04/07/2021 and 04/14/2021.

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 4/26/2021. 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
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | denise.lauerman@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 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

March 31, 2021

LEGAL NOTICE DEPARTMENT
IDAHO WORLD
PO BOX 50248
BOISE, ID 83705

RE: Application for Permit No. 65-24022
Transfer No. 84806
Water Right No(s). 65-10844

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 4/26/2021. Your cooperation is appreciated.

Sincerely,

Denise Lauerman
Administrative Assistant

Enclosure(s)

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

65-24022

JIM HUTCHINGS

13690 S CLOVERDALE RD

KUNA, ID 83634-2522

Point of Diversion SWNE S27 T09N R04E BOISE County Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.07 CFS

Use: IRRIGATION 03/15 to 10/31 0.44 CFS

Total Diversion: 0.44 CFS

Date Filed: 03-15-2021

Place Of Use: DOMESTIC, IRRIGATION

T09N R04E S27 SWNE, SENE

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 84806

NIKI HUTCHINSON, 545 MIDDLEFORK RD, GARDEN VALLEY, ID 83622-5007 has filed Application No. 84806 for changes to the following water rights within BOISE County(s): Right No(s). 65-10844; 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:

WR 65-10844 historically pulls water from Lightning Creek which is tributary to the Middle Fork Payette River. The purpose of the transfer is to move the POD of WR 65-10844 from Lightning Creek to a downstream point on the Middle Fork Payette. Water will be used at the current place of use in Garden Valley, Idaho, immediately west of the Middle Fork Payette River, near the intersection of S Middle Fork Rd. and Outpost Rd.

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 4/26/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/7/2021 and 4/14/2021