

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84780**

This is to certify that: **MARK S TRACY**
10506 FARNER RD
NAMPA, ID 83686

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>
63-11773	WR/LICENSE	4/16/1992	0.970 cfs	41.3 af	N/A	82.5	GROUND WATER
63-35031	WR/DECREED	4/13/1967	0.100 cfs	48.2 af	N/A	12.0	GROUND WATER
63-35032	WR/LICENSE	4/16/1992	0.100 cfs	4.2 af	N/A	8.5	GROUND WATER
63-3597B	WR/DECREED	4/13/1967	0.700 cfs	340.6 af	N/A	85.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-11773	YES	NO	YES	NO	NO	NO
63-35031	NO	YES	YES	NO	NO	NO
63-35032	NO	YES	YES	NO	NO	NO
63-3597B	YES	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-11773	63-11773	0.970 cfs	41.3 af	N/A	82.5	N/A	N/A	N/A	N/A	N/A
63-35031	63-35031	0.100 cfs	48.2 af	N/A	12.0	N/A	N/A	N/A	N/A	N/A
63-35032	63-35032	0.100 cfs	4.2 af	N/A	8.5	N/A	N/A	N/A	N/A	N/A
63-3597B	63-3597B	0.700 cfs	340.6 af	N/A	85.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.870 cfs	434.3 af	N/A	97.0		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 23 day of March, 2021.

for Patricia Wilson
Chief, Water Allocation Bureau

SUPPORT DATA

Transfer No. 84780

IN FILE # 63-11773

WATER RIGHT NO. 63-3597B

As Modified by Transfer No. 84780

In accordance with the approval of Transfer No. 84780, Water Right No. 63-3597B is now described as follows:

Right Holder: MARK S TRACY AND/OR
SUSAN TRACY
10506 FARNER RD
NAMPA, ID 83686

Priority Date: 4/13/1967

Source: GROUND WATER

BENEFICIAL USE IRRIGATION

From
03/15

To
to 11/15

Diversion Rate
0.800 cfs
0.700 cfs

Diversion Volume
388.8 af
340.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

SWNW
SWNW

Sec 10 Twp 02N Rge 03W CANYON County
Sec 10 Twp 02N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	10							37.0	34.5	3.5	10.0							85.0

POU Total Acres: 85.0

CONDITIONS OF APPROVAL

1. Rights 63-3597B and 63-11773 when combined shall not exceed the irrigation of 85 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 3/24/2009.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 84780

WATER RIGHT NO. 63-3597B
As Modified by Transfer No. 84780

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.



WATER RIGHT NO. 63-11773
As Modified by Transfer No. 84780

In accordance with the approval of Transfer No. 84780, Water Right No. 63-11773 is now described as follows:

Right Holder: SUSAN TRACY AND/OR
 MARK S TRACY
 10506 FARNER RD
 NAMPA, ID 83686

Priority Date: 4/16/1992

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	1.070 cfs	45.5 af
			0.970 cfs	41.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec 10 Twp 02N Rge 03W CANYON County
GROUND WATER	SWNW	Sec 10 Twp 02N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	10							37.0	33.5	3.0	9.0							82.5

POU Total Acres: 82.5

CONDITIONS OF APPROVAL

1. Rights 63-3597B and 63-11773 when combined shall not exceed the irrigation of 85 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

Transfer No. 84780

WATER RIGHT NO. 63-11773

As Modified by Transfer No. 84780

CONDITIONS OF APPROVAL

5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



WATER RIGHT NO. 63-35031
As Modified by Transfer No. 84780

In accordance with the approval of Transfer No. 84780, Water Right No. 63-35031 is now described as follows:

Right Holder: MARK S TRACY AND/OR
SUSAN TRACY
10506 FARNER RD
NAMPA, ID 83686

Priority Date: 4/13/1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.100 cfs	48.2 af
			0.100 cfs	48.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESW Sec 10 Twp 02N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	10								5.5	6.5								12.0

POU Total Acres: 12.0

CONDITIONS OF APPROVAL

1. Rights 63-35031 and 63-35032 when combined shall not exceed the irrigation of 12 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 3/24/2009.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 84780

WATER RIGHT NO. 63-35031
As Modified by Transfer No. 84780

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.



WATER RIGHT NO. 63-35032
As Modified by Transfer No. 84780

In accordance with the approval of Transfer No. 84780, Water Right No. 63-35032 is now described as follows:

Right Holder: SUSAN TRACY AND/OR
MARK S TRACY
10506 FARNER RD
NAMPA, ID 83686

Priority Date: 4/16/1992

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	0.100 cfs	5.5 af
			0.100 cfs	4.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESW Sec 10 Twp 02N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	10								5.5	3.0								8.5

POU Total Acres: 8.5

CONDITIONS OF APPROVAL

1. Rights 63-35031 and 63-35032 when combined shall not exceed the irrigation of 12 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

Transfer No. 84780

WATER RIGHT NO. 63-35032
As Modified by Transfer No. 84780

CONDITIONS OF APPROVAL

5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



State of Idaho
Department of Water Resources
Attachment to Transfer No. 84780
63-35032

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

03W



-  Point of Diversion
-  Places of Use
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.075 0.15 0.3 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer No. 84780
63-35031

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

03W



- Point of Diversion
- Places of Use
- Townships
- PLS Sections
- Quarter Quarters

0 0.075 0.15 0.3 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer No. 84780
63-11773

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

03W



-  Point of Diversion
-  Place Of Use
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.075 0.15 0.3 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer No. 84780
63-3597B

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.



-  Point of Diversion
-  Places of Use
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.075 0.15 0.3 Miles



MAR 10 2021

42-222 POD - 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESWATER RESOURCES
WESTERN REGION

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

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

Check all that apply:

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

1. APPLICANT(S) Mark Tracy Phone 208-697-34722. MAILING ADDRESS 10506 Farner Rd City NampaState ID Zip 83686 Email _____

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

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

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 63-3597B, 63-11773

- ☒ 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 1.87 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*.

	New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Parcels 1 - 4	Y			NE	SW	10	2N	3W	Canyon	Ground Water	0069077
Parcel 5	N			SW	NW	10	2N	3W	Canyon	Ground Water	0052556
Parcel 5	N			SW	NW	10	2N	3W	Canyon	Ground Water	0057999

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:

See attached narrative and split trees. Measuring devices and lockable controlling works will be accommodated upon Department request.

- 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 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.

Signature of applicant or authorized agent

Print name and title if applicable

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 12 pages of attachments. Received by LE Date 03/10/2021

Fee paid \$540.00 Date 03/10/2021 Received by LE Receipt # W049170

Preliminary review by AK Date 3/11/2021 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)

Transfer Narrative:

As shown on the attached transfer map, applicant has subdivided the water rights' POU into five parcels and proposes a separate well and system for irrigation of parcels 1 – 4. Parcel 5 will continue to use the two irrigation wells as authorized. The proposed well for parcels 1 – 4 was drilled as a domestic well in 2015 as shown on the attached drilling report. An additional fee to upgrade the well for irrigation use has been included in the transfer filing fee. Six acres of water right 63-3597B are currently leased to the Water Bank under Contract 831 until 2023 at which time they will be re-submitted under separate leases according to water right and property ownership.

Attached are split trees and Transfer Part 2Bs indicating the portion of each water right applicable to the area covered by parcels 1 -4 and the remaining covered by parcel 5.

Page _____ of _____

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

Current Water Right No.: 63-3597b

Current Owner: MARK S TRACY
SUSAN TRACY

Priority Date: 4/13/1967

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15	to 11/15	0.8 CFS	388.8 AF
	<u>Total Diversion</u>		0.8 CFS	388.8 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 10,	Twp 02N,	Rge 03W B.M.
CANYON County				
GROUND WATER	SW1/4NW1/4	Sec. 10,	Twp 02N,	Rge 03W B.M.
CANYON County				

Place of Use

IRRIGATION Within CANYON County

T02N R03W S10	SWNW	37.00	T02N R03W S10	SENW	40.00
T02N R03W S10	NESW	10.00	T02N R03W S10	NWSW	10.00

Total Acres: 97

Conditions of Approval:

1. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
2. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 3/24/2009.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Decreed Date: 2/11/2009

Split Analysis

Water Right Number: 63-3597B
Diversion Rate: 0.8 CFS
Owner Name: Mark Tracy
Date: 13-Feb-21

Acreage Analysis

[illegible]

Water Right Number: 63-3597B
 Diversion Rate: 0.8 CFS
 Reviewer Name: Mark Tracy
 Date: 13-Feb-21

Split Tree

Parcels 1-4

(12.0 ac & 0.10 cfs)

Parcel 5

(85.0 ac & 0.70 cfs)

63-3597B

(97.0 ac & 0.80 cfs)

Summary

Right No:	Diversion Rate	Irrigated Acres	CFS / Acre
63-3597B	0.8	97	0.008
Parcels 1-4	0.10	12	0.008
Parcel 5	0.70	85	0.008

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

Current Water Right No.: 63-11773

Current Owner: MARK S TRACY
SUSAN TRACY

Priority Date: 4/16/1992

Origin: Water Right

Status: Active

Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	1.07 CFS	45.5 AF
	<u>Total Diversion</u>	1.07 CFS	45.5 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 10,	Twp 02N,	Rge 03W B.M.
CANYON County				
GROUND WATER	SW1/4NW1/4	Sec. 10,	Twp 02N,	Rge 03W B.M.
CANYON County				

Place of Use

IRRIGATION Within CANYON County

T02N R03W S10	SWNW	37.00	T02N R03W S10	SENW	39.00
T02N R03W S10	NESW	6.00	T02N R03W S10	NWSW	9.00
Total Acres: 91					

Conditions of Approval:

1. X35 Rights 63-11773 and 63-3597B when combined shall not exceed the irrigation of 97 acres.
2. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. 103 When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

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Licensed Date: 12/11/2012

Split Analysis

Water Right Number: 63-11773
Diversion Rate: 1.07 CFS
Owner Name: Mark Tracy
Date: 13-Feb-21

Acreage Analysis

[illegible]

Water Right Number: 63-11773
 Diversion Rate: 1.07 CFS
 Reviewer Name: Mark Tracy
 Date: 13-Feb-21

Split Tree

Parcels 1-4

(8.5 ac & 0.10 cfs)

Parcel 5

(82.5 ac & 0.97 cfs)

63-11773

(91.0 ac & 1.07 cfs)

Summary

Right No:	Diversion Rate	Irrigated Acres	CFS / Acre
63-11773	1.07	91	0.012
Parcels 1-4	0.10	8.5	0.012
Parcel 5	0.97	82.5	0.012



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 23, 2021

MARK S TRACY
10506 FARNER RD
NAMPA ID 83686

RE: Transfer No: 84780
Water Right No(s): 63-3597B , 63-11773, 63-35031, 63-35032

Transfer Approval Notice

Dear Water Right Holder(s) 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 LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660

MARK S TRACY
SUSAN TRACY
10506 FARNER RD
NAMPA ID 83686

CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 84780

Water Right No(s): 63-3597B , 63-11773, 63-35031, 63-35032

MARK S TRACY
SUSAN TRACY
10506 FARNER RD
NAMPA ID 83686

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660



Denise Lauerman
Administrative Assistant 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer No. 84780
FROM: Anna Kaiser
DATE: 3/17/2021
RE: Evaluation of Application

Mark Tracy (applicant) intends to subdivide his land into five parcels. The land is currently supplied with irrigation water from rights 63-3597B and 63-11773. Transfer 84780 proposes splitting the POU of each right- one split portion providing irrigation to parcels 1-4, the other to parcel 5. The transfer also proposes adding a new well to service parcels 1-4.

The site is located in Nampa, about 0.5 miles south and immediately east of the intersection of Farner Rd and Locust Ln.

Contact person for the applicant is representative Lori Graves of SPF Water Engineering located at 300 E Malad Dr., Ste. 350, Boise, ID, 83706, (208)-383-4140.

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

Although rights 63-35031 and 63-35032 were split from 63-3597B and 63-11773 immediately prior to processing transfer 84780 rather than through the transfer processing tool, the rights were actually split due to the transfer process.

Summary of Information Submitted

Authority to File:

The transfer application is filed and signed in the name of Mark Tracy. Tracy currently owns all water rights associated with Transfer 84780 as well as the property associated with the proposed changes. The proposed split does not involve a change in ownership- Mark Tracy will remain the active owner of all four water rights.

Water Right Validity:

Partial decree of right 63-3597B was issued in 2009. License for 63-11773 was issued in 2012. Both water rights are presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by department aerial imagery, landsat images, google earth images, or other evidence. Evidence of beneficial use does not need to be added to the file it is an IDWR product available to other staff.

Injury to Other Water Rights:

Transfer 84780 should not injure other water rights. The transfer does not propose change the quantity of water used. The proposed well is located in relatively close proximity to the existing wells and will therefore not improve the rights.

Enlargement of Use:

Enlargement should not occur. Transfer 84780 proposes no changes in volume, diversion rate, or irrigated acres. A condition limiting irrigation on overlapping water rights will be added to all rights within the transfer.

Local Public Interest:

No information suggests this transfer proposes a change inconsistent with the 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

Water Supply Bank

Water right no. 63-11773 is not and has never been leased to the Water Supply Bank. 6 acres of right 63-3597B was leased to the Bank in 2018 and will be released in 2023. IDWR's Water Supply Bank staff was notified of the transfer on 3/16/2021.

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Kaiser, Anna

From: Buyer, Remington
Sent: Wednesday, March 17, 2021 4:55 PM
To: Kaiser, Anna
Cc: Bank
Subject: RE: WSB- Transfer Application 84780

Hi Anna,

No concerns about the transfer from the Bank's perspective. However, please let us know if/when the transfer is approved, so we can update our records and add the child water right portions that will correspond to the six acres leased under 3597B.

Thanks,

-Remington

From: Kaiser, Anna
Sent: Tuesday, March 16, 2021 4:55 PM
To: Bank <Bank@idwr.idaho.gov>
Subject: WSB- Transfer Application 84780

March 16, 2021

RE: Application for Transfer No. 84780

Good afternoon,

The Department received the attached Application for Transfer for water rights 63-3597B and 63-11773. The records show water right no. 63-3597B is partially leased to the Water Supply Bank. The applicant attached a "Transfer Narrative" to the application that addresses the partial supply bank lease. The purpose of this transfer is to split the water right and add a point of diversion.

Please let me know if you have any concerns with this proposal.

Thank you!
Anna

Anna Kaiser | Water Resource Agent
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov



SPF WATER
ENGINEERING

RECEIVED

MAR 15 2021

WATER RESOURCES
WESTERN REGION

March 12, 2021

IDWR RECEIPT: W049200

Patrick Kelly
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Well Upgrade Fee – Mark Tracy Application for Transfer

Dear Patrick,

Enclosed on behalf of Mark Tracy, is check #1981 for \$125 to cover the upgrade fee for his domestic well proposed in a transfer application we submitted to you last week. Although referenced in the transfer application cover letter as being included, only the application filing fee was paid per check #1951.

Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lori Graves".

Lori Graves
Sr. Water Rights Specialist

Cc: Mark Tracy

Enclosures

SPF file number: 641.0010

Kaiser, Anna

From: Kaiser, Anna
Sent: Tuesday, March 16, 2021 4:55 PM
To: Bank
Subject: WSB- Transfer Application 84780
Attachments: 84780.pdf

March 16, 2021

RE: Application for Transfer No. 84780

Good afternoon,

The Department received the attached Application for Transfer for water rights 63-3597B and 63-11773. The records show water right no. 63-3597B is partially leased to the Water Supply Bank. The applicant attached a "Transfer Narrative" to the application that addresses the partial supply bank lease. The purpose of this transfer is to split the water right and add a point of diversion.

Please let me know if you have any concerns with this proposal.

Thank you!
Anna

Anna Kaiser | Water Resource Agent
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov

RECEIVED

MAR 10 2021

WATER RESOURCES
WESTERN REGION



SPF WATER
ENGINEERING

March 8, 2021

Patrick Kelly
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer

Dear Patrick,

Enclosed on behalf of Mark Tracy, is an *Application for Transfer* proposing splitting his irrigation water rights into two separate systems. Check #1951 is enclosed for the application filing fee.

Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

Lori Graves
Sr. Water Rights Specialist

Cc: Mark Tracy

Enclosures

SPF file number: 641.0010