

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84642**

This is to certify that: JUSTIN WILLIAMS AND
MELANIE WILLIAMS
1269 MINK CREEK RD
ARBON, ID 83212-5060

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>
29-14164	WR/DECREED	4/1/1897	0.280 cfs	N/A	N/A	119.0	RATTLESNAKE CREEK
29-14165	WR/DECREED	9/12/1961	0.230 cfs	111.2 af	N/A	119.0	GROUND WATER
29-14166	WR/DECREED	4/10/1907	0.080 cfs	N/A	N/A	119.0	SPRING
29-14167	WR/DECREED	9/12/1961	N/A	331.0 af	N/A	119.0	RATTLESNAKE CREEK, SPRINGS

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>
29-14164	NO	NO	YES	NO	NO	NO
29-14165	NO	NO	YES	NO	NO	NO
29-14166	NO	NO	YES	NO	NO	NO
29-14167	NO	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>
29-14164	29-14164	0.280 cfs	N/A	N/A	119.0	N/A	N/A	N/A	N/A	N/A
29-14165	29-14165	0.230 cfs	111.2 af	N/A	119.0	N/A	N/A	N/A	N/A	N/A
29-14166	29-14166	0.080 cfs	N/A	N/A	119.0	N/A	N/A	N/A	N/A	N/A
29-14167	29-14167	0.000 cfs	331.0 af	N/A	119.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.590 cfs	N/A	N/A	119.0		N/A	N/A	N/A	N/A

Transfer No. 84642

Support Data
In File # 29-14164

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 84642

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 10th day of February, 2021.



Regional Manager



Transfer No. 84642

Support Data
In File # 29-14164

WATER RIGHT NO. 29-14164
As Modified by Transfer No. 84642

In accordance with the approval of Transfer No. 84642, Water Right No. 29-14164 is now described as follows:

Right Holder: JUSTIN WILLIAMS AND
 MELANIE WILLIAMS
 1269 MINK CREEK RD
 ARBON, ID 83212-5060

Priority Date: 4/1/1897

Source: RATTLESNAKE CREEK

Tributary: BANNOCK CREEK

BENEFICIAL USE
 IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
 0.280 cfs
 0.280 cfs

LOCATION OF POINT(S) OF DIVERSION

RATTLESNAKE CREEK NESWSE Sec 35 Twp 09S Rge 34E POWER 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	
10S	34E	7				5.5									3.5	10	28	34	81.0
10S	34E	8											38						38

POU Total Acres: 119.0

CONDITIONS OF APPROVAL

1. Rights 29-14164, 29-14165, 29-14166 and 29-14167 when combined shall not exceed the irrigation of 119 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 290.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 84642

WATER RIGHT NO. 29-14164
As Modified by Transfer No. 84642

CONDITIONS OF APPROVAL

5. This water right will be delivered in accordance with the 1990 Fort Hall Indian Water Rights Agreement and Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin. The parties agreed to "continue the historic water allocations pursuant to the Bannock Creek Decree [the decree in United States v. Daniels, (D. Idaho April 9, 1907, unpublished)]." Directors Report for the 1990 Fort Hall Indian Water Rights Agreement, p. 8 para. 4 . "The Tribes and the United States shall exercise this right in a manner that ensures persons with water rights decreed in the Bannock Creek Decree [United States v. Daniels (D. Idaho April 9, 1907)] and that are confirmed in the SRBA continue to receive their full legal entitlement." Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin, p. 19-20, 25-26, Right Nos. 29-12848 and 29-12049 respectively (August 2, 1995). In times of shortage, this water right and other water rights decreed in United States v. Daniels, shall receive their full legal entitlement despite the federal based natural flow water right nos. 29-466, 29-467, 29-469, 29-470, 29-471, 29-472, 29-473, 29-474, 29-12049 and 29-12848.
6. This right does not grant any right-of-way or easement across the land of another.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 29-14165
As Modified by Transfer No. 84642

In accordance with the approval of Transfer No. 84642, Water Right No. 29-14165 is now described as follows:

Right Holder: JUSTIN WILLIAMS AND
 MELANIE WILLIAMS
 1269 MINK CREEK RD
 ARBON, ID 83212-5060

Priority Date: 9/12/1961

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	0.230 cfs	111.2 af
			0.230 cfs	111.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNSE	Sec 7	Twp 10S Rge 34E	POWER County	
GROUND WATER	NENWSE	Sec 7	Twp 10S Rge 34E	POWER County	(R)

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	
10S	34E	7				5.5									3.5	10	28	34	81.0
10S	34E	8											38						38

POU Total Acres: 119.0

CONDITIONS OF APPROVAL

1. Rights 29-14164, 29-14165, 29-14166 and 29-14167 when combined shall not exceed the irrigation of 119 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
3. This ground water right is entitled to the protections of paragraph x.c. of water right 29-12052.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 290.

WATER RIGHT NO. 29-14165
As Modified by Transfer No. 84642

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 84642, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 29-14166

As Modified by Transfer No. 84642

In accordance with the approval of Transfer No. 84642, Water Right No. 29-14166 is now described as follows:

Right Holder: JUSTIN WILLIAMS AND
MELANIE WILLIAMS
1269 MINK CREEK RD
ARBON, ID 83212-5060

Priority Date: 4/10/1907

Source: SPRING

Tributary: SINKS

BENEFICIAL USE
IRRIGATION

From
04/01

To
to 10/31

Diversion Rate
0.080 cfs
0.080 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRING SWSENE Sec 7 Twp 10S Rge 34E POWER 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	
10S	34E	7				5.5									3.5	10	28	34	81.0
10S	34E	8											38						38

POU Total Acres: 119.0

CONDITIONS OF APPROVAL

1. Rights 29-14164, 29-14165, 29-14166 and 29-14167 when combined shall not exceed the irrigation of 119 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 290.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 84642

WATER RIGHT NO. 29-14166

As Modified by Transfer No. 84642

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 29-14167
As Modified by Transfer No. 84642

In accordance with the approval of Transfer No. 84642, Water Right No. 29-14167 is now described as follows:

Right Holder: JUSTIN WILLIAMS AND
MELANIE WILLIAMS
1269 MINK CREEK RD
ARBON, ID 83212-5060

Priority Date: 9/12/1961

Source: RATTLESNAKE CREEK
Source: SPRINGS

Tributary: BANNOCK CREEK
Tributary: BANNOCK CREEK

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION FROM STORAGE	04/01	to 10/31		331.0 af
IRRIGATION STORAGE	01/01	to 12/31		2.1 af
				331.0 af

LOCATION OF POINT(S) OF DIVERSION

RATTLESNAKE CREEK	NESWSE	Sec 35 Twp 09S Rge 34E	POWER County
SPRINGS	SWSENE	Sec 7 Twp 10S Rge 34E	POWER County

PLACE OF USE: IRRIGATION FROM STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	34E	7				5.5									3.5	10	28	34	81.0
10S	34E	8											38						38

POU Total Acres: 119.0

PLACE OF USE: IRRIGATION STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	34E	7														X			

CONDITIONS OF APPROVAL

1. Rights 29-14164, 29-14165, 29-14166 and 29-14167 when combined shall not exceed the irrigation of 119 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 84642

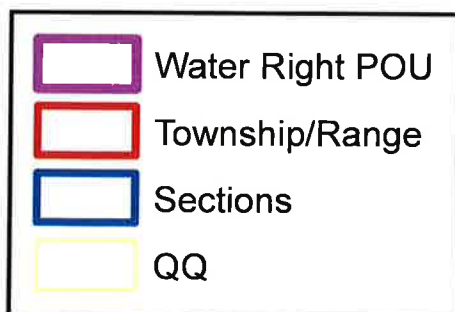
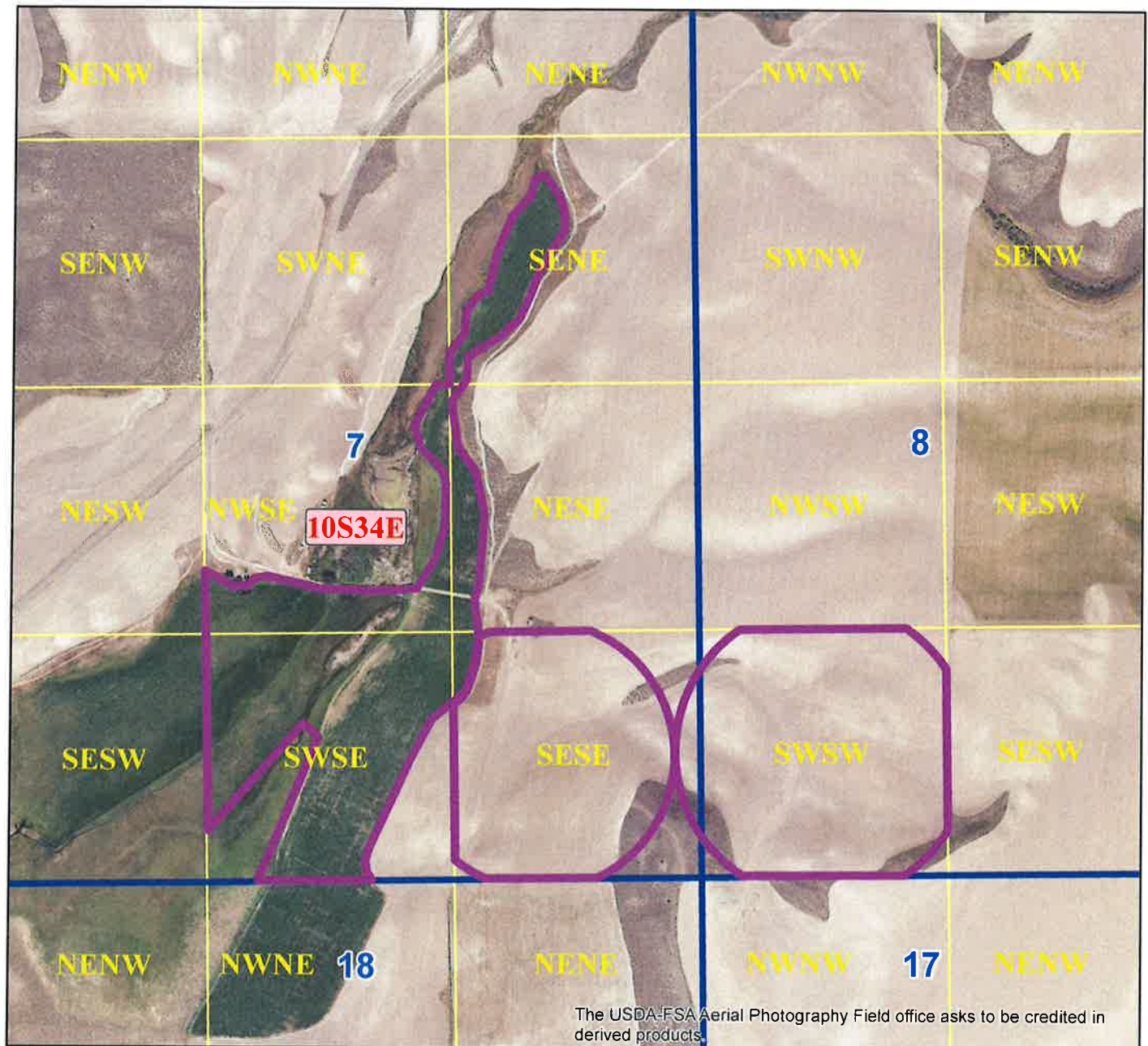
WATER RIGHT NO. 29-14167
As Modified by Transfer No. 84642

CONDITIONS OF APPROVAL

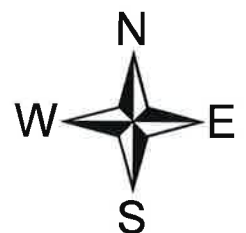
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 29O.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Attachment to Transfer Approval 84642

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



0 1,000 2,000 Feet



Date: 2/10/2021



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

February 10, 2021

JUSTIN WILLIAMS
MELANIE WILLIAMS
1269 MINK CREEK RD
ARBON ID 83212-5060

Re: Transfer No: 84642
Water Right No(s): 29-14164, 29-14165, 29-14166, 29-14167

Transfer Approval Notice

Dear Water Right Holder:

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) 525-7161.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CH', is positioned above the printed name.

Christina Henman
Administrative Assistant

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 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.: 84642

Water Right No(s): 29-14164, 29-14165, 29-14166, 29-14167

**JUSTIN WILLIAMS
MELANIE WILLIAMS
1269 MINK CREEK RD
ARBON ID 83212-5060**

A handwritten signature in black ink, appearing to read 'CH', is positioned above a horizontal line.

**Christina Henman
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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