

RECEIVED

AUG 24 2020

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Edward D. and Laureen T. Koch

WITHDRAWN

Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.Yes ☒ N/A ☐ * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.) \$200

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant(s) Edward + Laureen Koch Phone 208-912-5233
 Mailing address PO Box 343, Garden Valley, ID 83622 Email Ted-Koch@yahoo.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Edward D. Koch
Signature of Applicant or Authorized Representative

Edward D. Koch
Print Name and Title if applicable

8/18/2020
Date

Laureen C.T. Koch
Signature of Applicant or Authorized Representative

Laureen C.T. Koch
Print Name and Title if applicable

8-18-2020
Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

We propose to move the point of diversion for our water right downstream onto our property.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ All or Part	65-23919	0.14 cfs	irrigation	4/1 to 11/1	Middle Fork Payette
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 0.14 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.14 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		NE	SE	10	9N	4E	Boise	MF Payette River		

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☒ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. 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 will use pipe and a pump to divert water. The pump flow rate will serve as the measuring device, and we can "lock" it by shutting off power to it.

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

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

N/A

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

N/A

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

N/A

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Right 65-23920 has the same place of use but different source and diversion system.

- g. 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 leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

NA

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/18/2020

Water Right 65-23919

Owner Type **Name and Address**
Current Owner EDWARD D KOCH
 PO BOX 343
 GARDEN VALLEY, ID 83622-0343
 (208) 912-5233

Current Owner LAUREEN KOCH
 PO BOX 343
 GARDEN VALLEY, ID 83622-0343
 (208) 912-5233

Priority Date: 7/18/1966

Basis: Decreed

Status: Active

Source
MIDDLE FORK PAYETTE RIVER

Tributary
PAYETTE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	0.140 CFS	
	Total Diversion		0.140 CFS	

Source and Point(s) of Diversion

MIDDLE FORK PAYETTE RIVER NWSE Sec. 10, Twp 09N, 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	
09N	04E	10									1.1					10.0			11.1

POU Total Acres: 11.1

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS PER ACRE AT FIELD HEADGATE. COMBINED RIGHT NOS.: 65-23862 & 65-23863.
2. 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.

Comments:

1. AKaiser 4/23/2020 Split Right
This right is the result of split from 65-23861.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/18/2020

2. AKaiser 4/23/2020 POU
Updated Shape

Dates and Other Information

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

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

ATTACHMENT TO APPLICATION FOR TRANSFER OF WR 65-23919



WITHDRAWAL

OF

APPLICATION FOR TRANSFER OF WATER RIGHT(S)

I/We, Edward Koch and Laureen Koch,
(Applicant's Printed Name) (Applicant's Printed Name)

(Applicant's Printed Name) and _____
(Applicant's Printed Name)

hereby withdraw our Application for Transfer No. 84327 of Water Right

No(s). 65-23919

Signed this 31 day of December, 20 20

Edward O. Koch

(Signature/Title of Applicant)

Laureen C. Koch

(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)



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

December 31, 2020

EDWARD KOCH
LAUREEN KOCH
PO BOX 343
GARDEN VALLEY ID 83622

Re: Withdrawal of Application for Transfer No. 84327

Dear Applicants:

The Department has received your recent withdrawal of the above referenced application. For your convenience a copy of the withdrawal and application are enclosed.

Please feel free to contact our office at 208-334-2190 if you have additional questions in this matter. Also, more information about water rights and other matters administered by this agency is available on the Internet at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anna Kaiser', is written over a light blue circular stamp.

Anna Kaiser
Water Resource Agent
Western Regional Office

Enclosures

Kaiser, Anna

From: Kaiser, Anna
Sent: Thursday, December 31, 2020 4:29 PM
To: IdwrPayable
Subject: Refund - KOCH

TO: IDWR payable

FROM: Anna Kaiser

DATE: December 31, 2020

RE: Refund: Application for Transfer

Please refund \$200.00. On August 24, 2020, Edward and Laureen Koch submitted a permit application. The transfer was withdrawn without publication and therefore must be fully refunded.

Please issue a refund of \$200.00 to:

EDWARD D KOCH
LAUREEN KOCH
PO BOX 343
GARDEN VALLEY ID 83622

RECEIPT #

W048651

Kaiser, Anna

From: Kaiser, Anna
Sent: Wednesday, December 30, 2020 12:02 PM
To: 'Ted Koch'
Subject: RE: Water rights transfer #84327
Attachments: withdrawal-of-application-for-transfer.pdf

Good afternoon,

I reviewed your transfer application with my supervisor and unfortunately your only option at this point is to withdraw. The Department cannot approve a transfer application if we cannot prove beneficial use was achieved over the past five years.

If you still wish to change the point of diversion, your best option is to resume beneficial use of water right 65-23919 by irrigating your land from the existing point of diversion. Once you can show water right 65-23919 has been put to beneficial use over an entire irrigation season, you can re-submit a transfer to change your point of diversion.

With this email, I attached a transfer withdrawal form. Please complete the form and submit to the Department via mail or email a scanned copy to me. You will be refunded your transfer application fee upon withdrawal.

Please let me know if you have any further questions regarding this matter.

Thank you,

Anna

-----Original Message-----

From: Ted Koch [mailto:ted_koch@yahoo.com]
Sent: Monday, December 21, 2020 11:56 AM
To: Kaiser, Anna <Anna.Kaiser@idwr.idaho.gov>
Subject: Water rights transfer #84327

Anna-

I got your letter, thanks. Ironic since I've been pushing calling you back on my calendar for a couple months and am just now close to actually doing it. Then, your letter!

Please call when you can to discuss my situation.

Thanks,

Ted Koch
208-912-5233

Sent from my iPad



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

December 15, 2020

EDWARD KOCH
LAUREEN KOCH
PO BOX 343
GARDEN VALLEY ID 83622

Re: Notice of Intent to Void Application for Transfer No. 84327

Dear Applicant(s),

On September 30, 2020, the Idaho Department of Water Resources (Department) sent you a letter and an email expressing the Department's concerns about the beneficial use of water right 65-23919 and requesting you provide evidence of beneficial use. As of today, the Department has received no response.

The Department intends to void transfer application no. 84327 at this time. If you wish to further pursue this application please provide a timely response within the next 30 (days). If the Department receives no response, the applications will be ordered void.

Department forms and other information are available online at www.idwr.idaho.gov. You may also contact the Department at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

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



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

September 30, 2020

EDWARD D KOCH
LAUREEN KOCH
PO BOX 343
GARDEN VALLEY ID 83622-1343

RE: Transfer 84327 – Additional Information Request

Dear Applicant,

On August 24, 2020, The Idaho Department of Water Resources (Department) received your application for transfer no. 84327 proposing to change the point of diversion (POD) of water right 65-23919. Part of the transfer processes is a review of rights subject to forfeiture. Idaho Statute 42-222 states in part:

(2) All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated and when any right to the use of water shall be lost through nonuse or forfeiture such rights to such water shall revert to the state and be again subject to the appropriation under this chapter; except that any right to the use of water shall not be lost through forfeiture by failure to apply the water to beneficial use under certain circumstances as specified in section 42-223, Idaho Code.

The Department verifies beneficial use through satellite imagery taken over the past 5 years. The right involved in your transfer authorizes a total irrigation of 11.1 acres. Satellite images of the 11.1-acre area in question suggest your water right may be subject to forfeiture as it does not appear beneficial use of water right 65-23919 has been achieved at any point over the past 5 years. Evidence of irrigation use in these areas is needed to complete processing of your transfer application.

Please submit the requested information for the application to be processed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application may be approved with partial forfeiture or voided without a timely written reply within the next thirty (30) days. Please do not hesitate to call me at (208).334.2190 or email me at anna.kaiser@idwr.idaho.gov with any questions or concerns regarding the enclosed information. Thank you for your attention to this matter.

Sincerely,

Anna Kaiser
Water Resource Agent

Enclosures: LandSatellite imagery maps (2015, 2017, and 2019)

Kaiser, Anna

From: Kaiser, Anna
Sent: Monday, September 28, 2020 12:20 PM
To: 'wd65@srvinet.com'
Subject: Application for Transfer No. 84327
Attachments: Watermaster Recommendation Form_F.PDF; Transfer App 84327.pdf

September 28, 2020

RON SHURTLEFF
WATER DISTRICT #65
102 N MAIN
PAYETTE, ID 83661

RE: Application for Transfer No. 84327

Dear Watermaster:

The above referenced transfer application may be of interest to you. A copy of the application is enclosed with this email for your reference. Please review the application, complete a recommendation form, and submit your reply, if any, to this office **within the next fourteen (14) days**.

IDWR will assume you do not object to these applications if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

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