

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 84588

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 idwr.idaho.gov.

Name of Applicant(s) JOHN J DAVIS , MICHELLE H DAVIS

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.)

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. **
- sent previously - on file
- ☐ ☒ #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). **
- sent previously - on file
** 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 idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #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

RECEIVED
DEC 17 2020
Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) JOHN J DAVIS , MICHELLE H DAVIS Phone 208 867 4600
Mailing address 2815 WEST TETON STREET BOISE, ID 83705 Email JD4727@yahood.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.

[Signature]
Signature of Applicant or Authorized Representative

JOHN DAVIS
Print Name and Title if applicable

12-14-2020
Date

[Signature]
Signature of Applicant or Authorized Representative

MICHELLE DAVIS
Print Name and Title if applicable

12-14-2020
Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☐ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.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.3**.

SEE LETTER DATED 11/23/2020 TO APPLICANTS. APPLICATION FOR TRANSFER IS REQUESTED TO CORRECT A PRIOR CLERICAL ERROR WITH REGARD TO POINT OF DIVERSION OF WATER RIGHT.

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 ☒ ☐	34-10079	.04	STOCKWATER	01/01 to 12/31	
☒ ☐	34-10079	.04	DOMESTIC	01/01 to 12/31	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .08 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed .08 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.

CORRECTED PLACE OF USE/DIVERSION: RPHO 07N19E6800

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
					26	07N	19E	CUSTER	GROUNDWATER	

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.)

CORRECTED PLACE OF USE/DIVERSION: RPHO 07N19E6800

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	
07N	19E	26																4.5	4.5
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:

DIVERSION IS A GROUNDWATER WELL CONTAINED IN A LOCKING STRUCTURE
ON THE PROPERTY. PUMPING EQUIPMENT INCLUDES A FLOWMETER IN
GALLONS TO MEASURE USE.

- b. Who owns the property at the point(s) of diversion? JOHN J & MICHELLE H DAVIS

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

- 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: NO LIENSE, DEEDS, MORTGAGES OR CONTRACTS APPLICABLE.

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? **NO**

If yes, ☐ complete Attachment WSB.

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

- 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:

- 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:



IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to call ahead for an appointment.

WATER RIGHT REPORT

12/14/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-10079

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	G PATRICK MILLER
Current Owner	RENAE T MILLER
	1900 YALE AVE
	BURLEY, ID 83318
	2086783366

Priority Date: 12/27/1983

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.04 CFS	
DOMESTIC	1/01	12/31	0.04 CFS	
Total Diversion			0.08 CFS	

Location of Point(s) of Diversion:

GROUND WATER | SENE | Sec. 26 | Township 07N | Range 19E | CUSTER County

Place(s) of use:

Place of Use Legal Description: STOCKWATER CUSTER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>

07N

19E

26

SENE

Place of Use Legal Description: DOMESTIC CUSTER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	19E	26		SENE										

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 423, TRACT 1778, CUSTER COUNTY.
4. PARCEL NO. RPH007N19E6800 STOCKWATER, 50 LIVESTOCK

Dates:

Licensed Date:

Decreed Date: 03/03/1997

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

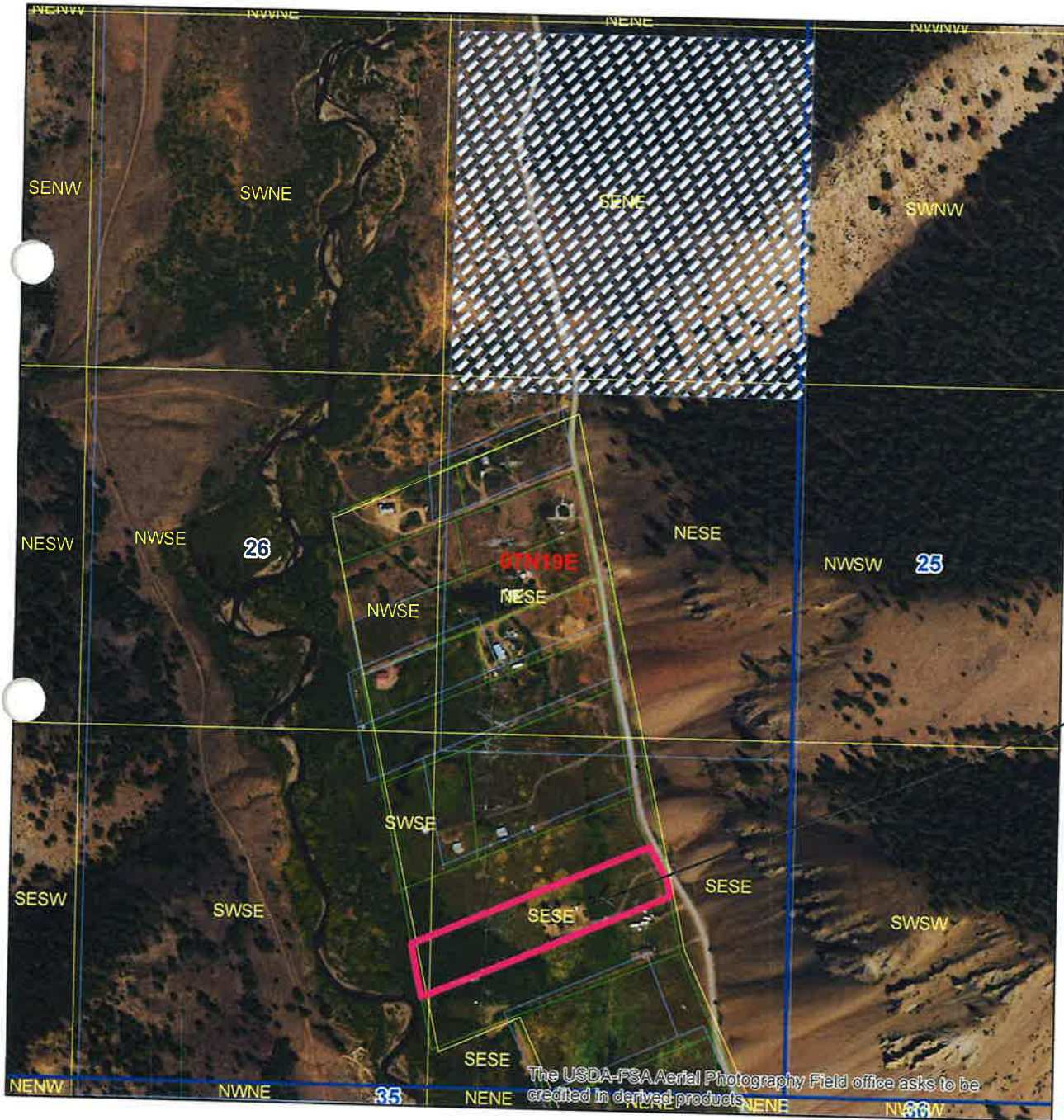
Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

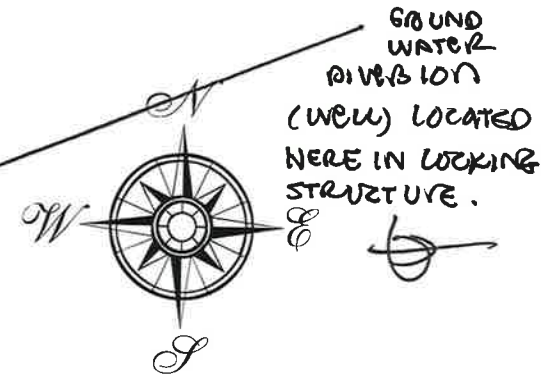
Idaho Department of Water Resources



Legend

- Corrected Place of Use 34-10079 RPHO07N19E6800
- Current Place of Use 34-10079
- Township/Range
- Sections
- QQ
- Water Right POU
- Parcels

correct



Layout Created By:
Jonie Barg
Date:
November 25, 2020

The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

84588

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED

OCT 26 2020

Department of Water Resources
Eastern Region

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
34-10079	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: BENNETT MILLER G PATRICK MILLER
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): JOHN J DAVIS MICHELLE H DAVIS
New owner(s) as listed on the conveyance document Name connector ☐ and ☒ or ☐ and/or
- 2815 WEST TETON STREET BOISE 10 83705
Mailing address City State ZIP
- 208 867 4606 JD4727@yahoo.com
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ 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.
5. Date you acquired the water rights and/or claims listed above: 8-27-2020
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature] 10-22-2020
Signature of new owner/claimant Title, if applicable Date
- Signature: [Signature] 10-22-2020
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by JB Date 10/26/20 Receipt No. E0416389 Receipt Amt. \$25. -
 Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
 Name on W-9 _____ Approved by _____ Processed by _____ Date _____

84588

For Value Received, I, RENAE T. MILLER, do hereby grant, bargain, sell and convey unto JOHN J. DAVIS AND MICHELLE H. DAVIS, husband and wife, whose address is:

the following described premises in CUSTER County, Idaho, to-wit:

A portion of Homestead Entry Survey No. 423, Custer County, Idaho, described as:

Beginning at a point on the westerly boundary of said Survey 423, which point bears North 12°26' West, 202.90 feet from the corner No. 4 of said Survey No. 423; thence First from said point of beginning along said westerly boundary North 12°26' West 202.09 feet; thence Second, leaving said westerly boundary North 65°51' East, 989.49 feet to the easterly boundary of said Survey No. 423; thence Third, along said easterly boundary, South 12°25' East, 202.11 feet; thence Fourth leaving easterly boundary South 65°51' West, 989.42 feet to the Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that they are the owners of said premises; and that they are free from all encumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 8/27/2020

Renae T. Miller
RENAE T. MILLER

BY : Blake Palen, Attorney in Fact
For Renae T. Miller

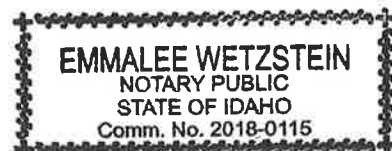
STATE OF IDAHO)ss:
COUNTY OF ~~CUSTER~~ Twin Falls

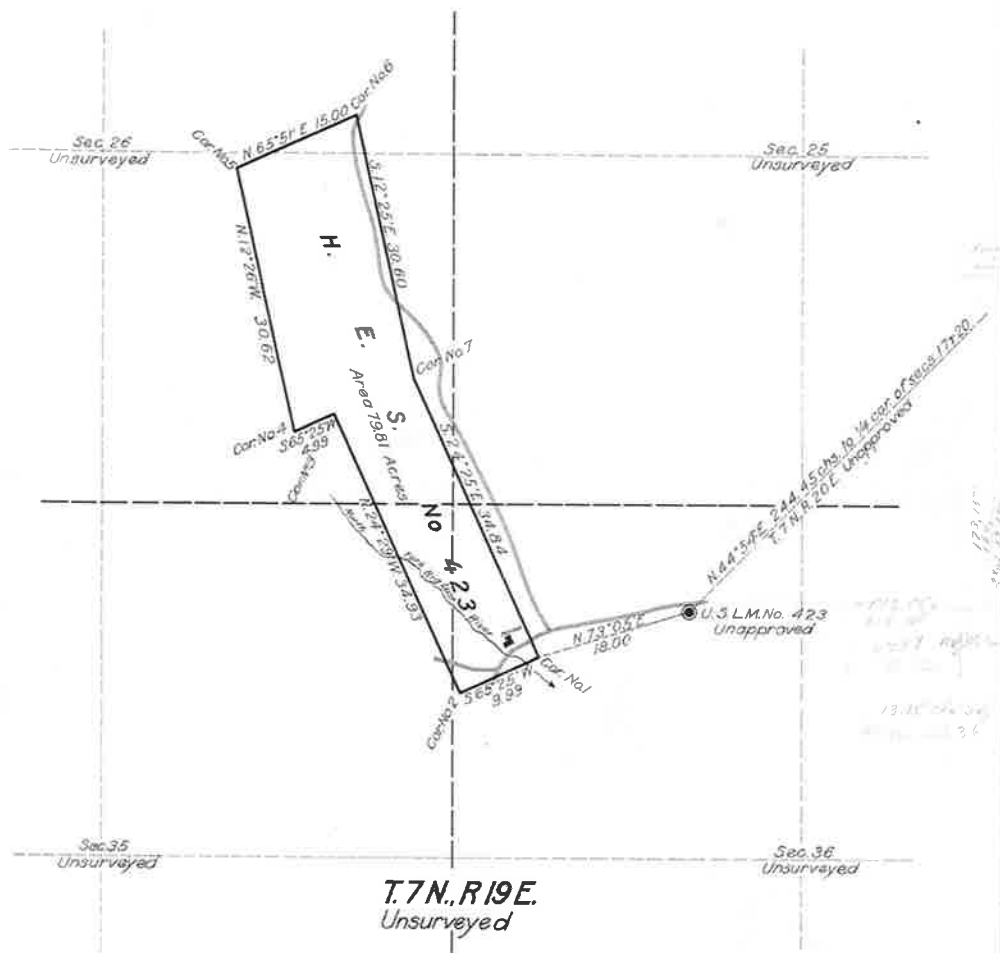
258668
Custer County Rec. of
Custer County Title
Time 2:12 PM Date 8/31/2020
Lura H. Baker, Clerk
Aristen Walker \$15.00
Deputy

On this 27 day of August, in the year of 2020, before me, a Notary Public, in and for the said State, personally appeared BLAKE PALEN, known or identified to me to be the persons whose names are subscribed to the within instrument as attorney in fact of RENAE T. MILLER and acknowledged to me that he subscribed the name of RENAE T. MILLER thereto as principal and his own name as attorney in fact.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year in this certificate first above written.

Emmalee Wetzstein
Notary Public for the State of Idaho
Residing at: Kimberly
Commission Expires: Jan 22, 2024





Plat of
**HOMESTEAD
ENTRY SURVEY**

No. 423 **PATENTED**

in the
LEMHI

NATIONAL FOREST

in

Section 25, unsurveyed, T. 7 N., R. 19 E.
Section 26, unsurveyed, T. 7 N., R. 19 E.
Section 35, unsurveyed, T. 7 N., R. 19 E.
Section 36, unsurveyed, T. 7 N., R. 19 E.

of the

BOISE BASE AND MERIDIAN

IDAHO

This plat of Homestead Entry Survey
No. 423 State of Idaho is
strictly conformable to the field notes
thereof on file in this office, which
have been examined and approved.

U.S. Surveyor General's Office

Boise, Idaho.

August 24, 1917

Edward Madden
U.S. Surveyor General

SCALE 10 chains to Inch

Surveyors Designated	By whom Surveyed	Inst. Cont. Groups		When Surveyed		Date of Approval
		No.	Date	Begin	Completed	
U.S.L.M. No. 423	R.D. Gerver	423	Apr. 26, 1916	Sept. 26, 1916	Sept. 27, 1916	
H.E.S. No. 423		423				Aug. 24, 1917
H.E.S. No. 60 Rejected	J. Henry Diers	60	June 29, 1910	Aug. 6, 1910	Aug. 6, 1910	Oct. 15, 1910

Areas in Acres	
H.E. Survey No. 423	Conflicts
In Section	
In Section	
In Section	
Total	79.81

Act of June 11, 1906	Act of Aug. 11, 1916
List No. 1192	Dated Mar. 12, 1908
Latitude 43° 54' 30" N.	Observations at
Longitude 114° 08' W.	Corner No. 1
Mean Mag. Decl. 19° 50' E.	

84588



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

November 25, 2020

John J Davis
Michelle H Davis
2815 W Teton St
Boise ID 83705

RE: Change in Ownership Water Right No. 34-10079

Dear Sir/Madam:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

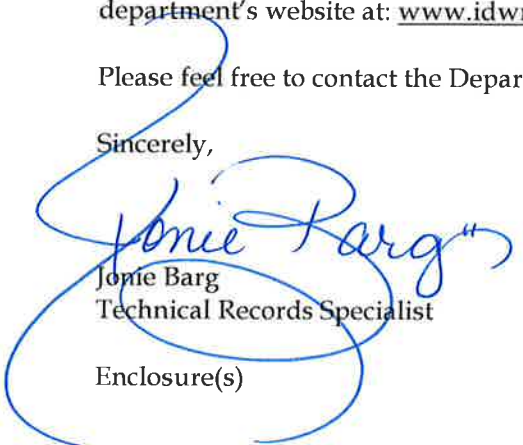
**** **Application:** There is an error in the place of use of the water right listed above. In order for the department to correct this error an Application for Transfer is required. Please find attached the transfer application, along with maps showing the current place of use of the water right and where the place of use should be located, according to the information available to the department. Please complete the transfer and clearly mark the correct place of use of the water right the map. If you need assistance completing the transfer an agent in our office would be happy to assist you, if you can clearly identify the place of use and point of diversion (well location) on the map an agent can help you prepare a draft transfer, or feel free to complete the application and submit it. The ownership change will be complete at the same time as the transfer. If you decide to have an agent prepare a draft transfer application please contact Michael Holliday, he is familiar with the application. The transfer application will be to correct a clerical error so the fee will be \$50.00 instead of \$200.00.

Because the Department cannot process the ownership change without proper documentation/fees, we will hold any action on your notice pending receipt of the necessary information/fees. If we do not receive the necessary information/fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact the Department if you have any questions.

Sincerely,


Jonie Barg
Technical Records Specialist

Enclosure(s)

12-14-2020

JONIE,

ATTACHED PLEASE FIND THE COMPLETED XFR
APPLICATION + FEE TO CORRECT THE POINT
OF DIVERSION ERROR ON THE WATER RIGHT.

THANKS,

JOHN DAVIS

208-867-4600

84588

Henman, Christina

From: Henman, Christina
Sent: Thursday, December 31, 2020 11:42 AM
To: 'watermaster34@atcnet.net'
Subject: Application for Transfer No. 84588
Attachments: RecommendationForm Transfer19.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is 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 within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

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

Holliday, Michael

From: John Davis <jd4727@yahoo.com>
Sent: Tuesday, December 22, 2020 6:12 PM
To: Holliday, Michael
Subject: Re: water right transfer application

Thanks Michael for the clarification. So the point of diversion (the well) is in the yard just east of the house. The place of use is the house and shed located on the property.

John Davis

Sent from my iPhone

On Dec 22, 2020, at 9:24 AM, Holliday, Michael <Michael.Holliday@idwr.idaho.gov> wrote:

John,

Thanks for your quick reply. You are right that the point of diversion (the well location) needs to be corrected. Just so we're clear on terminology the place of use is not the well location. The place of use is the house, stock troughs, and other locations on your property where water from the well is being used. In her letter, Jonie mentioned that the place of use needs to be corrected. When the judge issued the decree for water right 34-10079, both the point of diversion and the place of use were shown to be on USFS land about a half mile north of your property. At this point we just need confirmation from you that you intend to change both the point of diversion and the place of use. Then we can forge ahead. Feel free to call me at 208.525.7161 if you have questions.

Michael

From: John Davis [mailto:jd4727@yahoo.com]
Sent: Monday, December 21, 2020 8:29 PM
To: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Subject: Re: water right transfer application

Michael,

With regard to purpose of the transfer. We purchased the property in August and had submitted a transfer application to change ownership only about 6-8 weeks ago. I subsequently received a letter back (copy enclosed with the most recent transfer application) from IDWR indicating that there was a historic clerical error in the point of diversion that needed to be corrected. Hence the most recent transfer application. So purpose of the current application is to comply with that request on IDWR's part.

I assume the historical error caused the point of diversion to be recorded somewhere other than the existing tract of land we own where the groundwater well is located. On the public viewing map online it appeared to be recorded NE of the property. So hope this will correct that to reflect the diversion point as on the property as described in this most recent application.

With regard to section 26 clarification... we are on the same page. I am aware of the irrigation limitations on a domestic/stock water permit. Probably did not understand the irrigation use on the

application section when listing the 4.5 acres. Anyway... not signaling any use other than allowed by the current permit limitations. Thanks for clarifying.

Hope that helps...I will be around this week if you have any questions.

Thanks - John Davis

Sent from my iPad

On Dec 21, 2020, at 4:59 PM, Holliday, Michael <Michael.Holliday@idwr.idaho.gov> wrote:

John and Michelle,

We recently received your transfer application. I noticed a couple of items that need to be clarified before we move forward. On page 2 you marked that the purpose of the transfer is to change the point of diversion. It looks to me like you are also seeking to change the place of use. Is that correct?

Also, in the place of use section you listed 4.5 acres in the SESE of section 26. Generally we only list the number of acres on rights used for irrigation purposes. I wanted to make it clear that no more than half an acre can be irrigated with a domestic water right. Just want to make sure we're on the same page. I think you were trying to show that both the domestic and stockwater use was occurring in the SESE of section 26, and that your parcel happens to be 4.5 acres in size. Is that correct?

Please feel free to contact me if you have questions.

Michael Holliday
Water Rights Supervisor
Phone: 208-525-7161
Fax: 208-525-7177