

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84519**

This is to certify that: DAVID MARTIN III AND
LISA MARTIN
202 CENTRAL HOUSE RD
OROVILLE, CA 95965-9686

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>
2-10539	WR/DECREED	7/1/1953	0.140 cfs	N/A	N/A	13.7	SNAKE RIVER

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>
2-10539	NO	YES	NO	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>
2-10539	2-10539	0.140 cfs	N/A	N/A	13.7	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.140 cfs	N/A	N/A	13.7		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 30th day of November, 2020.

for, Patricia Kelly
Chief, Water Allocation Bureau

Transfer No. 84519

WATER RIGHT NO. 2-10539
As Modified by Transfer No. 84519

In accordance with the approval of Transfer No. 84519, Water Right No. 2-10539 is now described as follows:

Right Holder: DAVID MARTIN III AND
 LISA MARTIN
 202 CENTRAL HOUSE RD
 OROVILLE, CA 95965-9686

Priority Date: 7/1/1953

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
 IRRIGATION

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

Diversion Rate
 0.140 cfs
 0.140 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER SESE Sec 8 Twp 01N 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	
01N	03W	8																13.7	13.7
																		L 7	

POU Total Acres: 13.7

CONDITIONS OF APPROVAL

1. 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 place of use.
2. 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.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/15/2009.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 84519

WATER RIGHT NO. 2-10539

As Modified by Transfer No. 84519

CONDITIONS OF APPROVAL

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



State of Idaho
Department of Water Resources

Attachment to Water Right Transfer 84519

2-10539

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.



- Transfer POD
- Transfer POU
- Townships
- PLS Sections
- Quarter Quarters

0 0.05 0.1 0.2 Miles



42-222 PWD 07/18
LIVE

NOV 06 2020

NOV 17 2020

WATER RESOURCE WESTERN REGION

WATER RESOURCES
WESTERN REGION

☒ Change diversion point(s) ☐ Add diversion point(s) ☒ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to Idaho Code § 42-221, C.B. **Attach an explanation and any supporting documentation.**

☐ 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 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.

3. LIST WATER RIGHT NUMBER(S) 2-10539

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

4. TOTAL AMOUNT OF WATER transferred is 0.14 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*.

Page1 of 2

Transfer No. 84512

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:

SHP LEESON MOTOR ON A MUNRO PUMP ON A FLOAT IN THE SNAKE RIVER. A 2" LINE COMES FROM THE PUMP AND CONNECTS TO A 4" PVC LINE THAT CONNECTS TO A 6" MAINLINE. PUMP IS SIZED TO EQUAL THE WATER RIGHT DIVERSION

- b. Who owns the property at the point(s) of diversion? DAVID & LISA MARTIN

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 1/4 1/4 of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

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

D. B. Martin DAVID MARTIN - OWNER 11-2-20
Signature of applicant or authorized agent Print name and title if applicable Date

Lisa M. Martin Lisa M. Martin 11/17/2020
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 9 pages of attachments. Received by LE Date 11/06/2020
Fee paid 175.00 50.00 Date 11-16-2020 Receipted by LE Receipt # W048859

Preliminary review by TS Date 11-16-2020 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)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
SUPERCEDED
NOV 06 2020

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

WATER RESOURCES
WESTERN REGION

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

Check all that apply:

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

1. APPLICANT(S) DAVID & LISA MARTIN Phone 530-846-4422
2. MAILING ADDRESS 202 CENTRAL HOUSE RD City OROVILLE
State CA Zip 95965 Email MAYMAR-99@YAHOO.COM

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

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

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

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

3. LIST WATER RIGHT NUMBER(S) 2-10539

- ☒ 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 0.14 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

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

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

[illegible]

THIS APPLICATION SUPERCEDED BY AMENDED APPLICATION RECEIVED 11-17-2020 - PK

Transfer No. 8 45 19

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:

5HP LEESON MOTOR ON A MUNRO PUMP ON A FLOAT IN THE SNAKE RIVER, A 2" LINE COMES FROM THE PUMP AND CONNECTS TO A 4" PVC LINE THAT CONNECTS TO A 6" MAINLINE. PUMP IS SIZED TO EQUAL THE WATER RIGHT DIVERSION

- b. Who owns the property at the point(s) of diversion? DAVID & LISA MARTIN

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.

D. J. Martin
Signature of applicant or authorized agent

DAVID MARTIN - OWNER
Print name and title if applicable

11-2-20
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 9 pages of attachments.

Received by LE

Date 11/06/2020

Fee paid \$175.00 Date 11-16-2020

Received by LE

Receipt # W048889

Preliminary review by TS

Date 11-16-2020

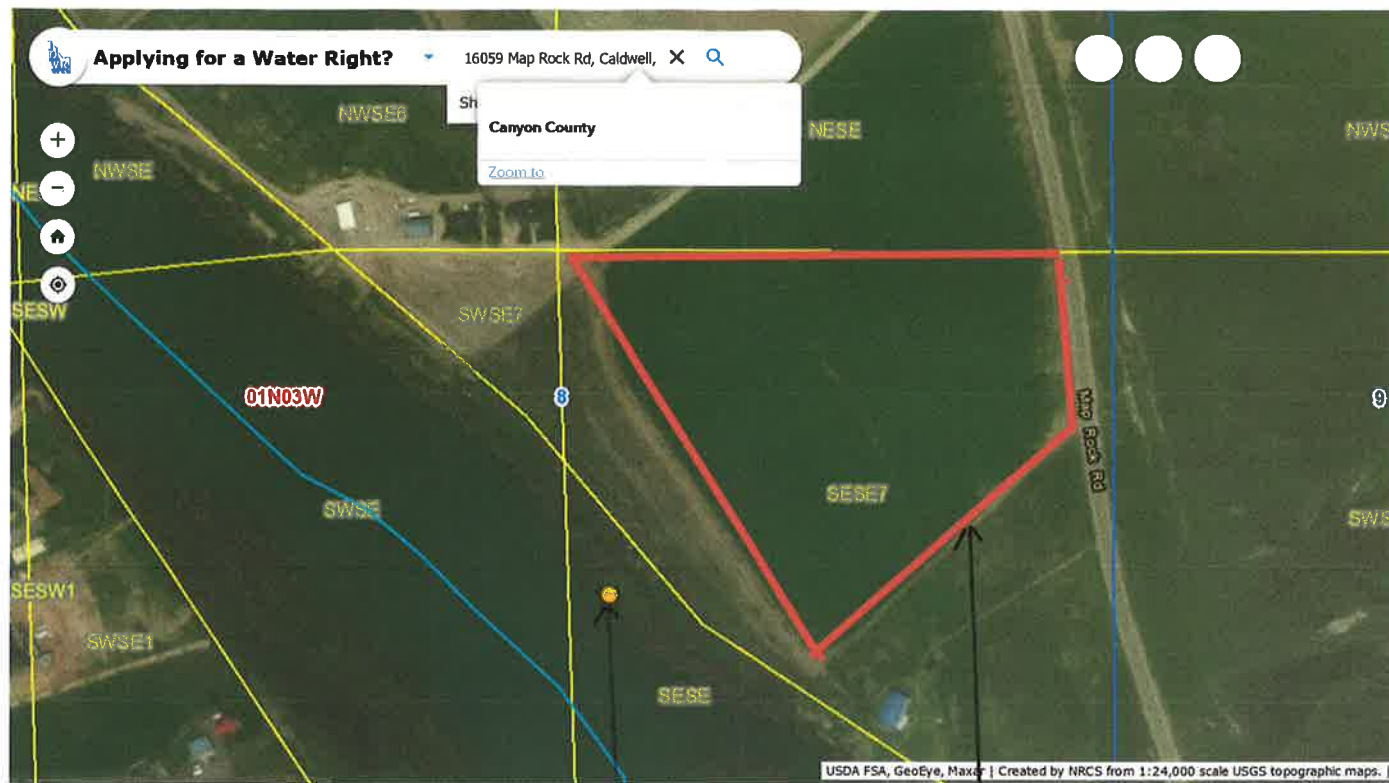
Active in the Water Supply Bank? Yes ☐ No ☒

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)



NEW POINT OF
DIVERSION

RED LINE APPROXIMATES
LOCATION OF WATER RIGHT
2-10539

-116.722265 43.435436 Degrees

300ft

< >

84519

11/2/2020, 6:03 PM

7/10/2018

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HGOAL LLC 7996 S BOGUS RIDGE WAY BOISE, ID 83716 (208) 296-9055

Status: Active

Tributary
COLUMBIA RIVER

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
04/01	10/31	0.140 CFS
Total Diversion		0.140 CFS

SNAKE RIVER L6(NWSE) Sec. 8, Twp 01N, Rge 03W, CANYON County

IRRIGATION within CANYON County

			NE				NW				SW				SE					
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals	
01N	03W	8																13.7 L7	13.7	

POU Total Acres: 13.7

1.	W59	Use of this right is combined with water from Wilder Irrigation District.
2.	E62	This right when combined with Right No. 2-10268, 2-10529, 2-10266, 2-10528, and 2-10539 shall provide no more than .02 cfs per acre.
3.	S39	The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
4.	F06	The following rights are also diverted through point of diversion described above: 2-10211, 2-10233, 2-10265, 2-10528, 2-10266 and 2-10539.
5.	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.

1.	jhersley	10/5/2017	split right
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IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/10/2018

Split from 2-10266 due to change in ownership.

2.	jhersley Updated Shape	10/5/2017	POD
3.	jhersley Updated Shape	10/5/2017	POU
4.	nmiller Updated Shape	5/29/2018	POU

Dates and Other Information

Decreed Date: 6/15/2009

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.270		
2-10266 ,2-10268 ,2-10528 ,2-10529 ,2-10539		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.180		
2-10265 ,2-10266 ,2-10211 ,2-10233 ,2-10528 ,2-10539		

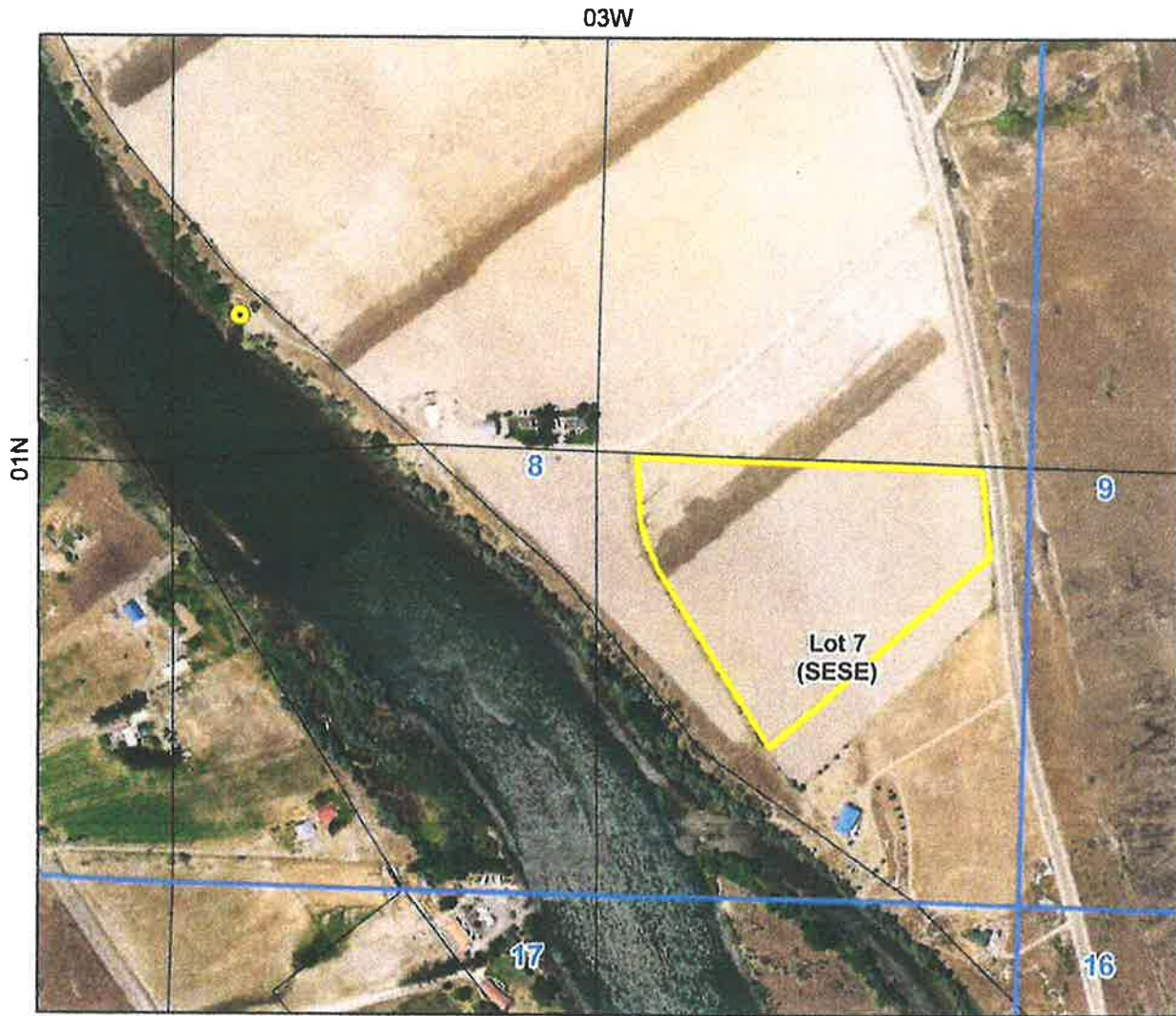
SubCase:





N/A

Water Supply Bank:


N/A

State of Idaho
Department of Water Resources
Water Right License
2-10539



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.05 0.1 0.2 Miles



84519

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 2-10558
Exam Date: 10/13/2020

1. Current Owner:

DAVID MARTIN III 202 CENTRAL HOUSE RD OROVILLE CA 95965-9686
LISA MARTIN 202 CENTRAL HOUSE RD OROVILLE CA 95965-9686

2. Accompanied by: Same

Phone No: (530) 370-1013

Address: 16059 Map Rock Rd, Caldwell, ID 83607

Relationship to permit Holder: Same

3. **SOURCE:**
SNAKE RIVER

Tributary
COLUMBIA RIVER

Method of Determination: Site visit, aerial imagery

B. OVERLAP REVIEW

1. Other water rights with the same place of use:

YES Overlap

Water Right No.	Source	Purpose of Use	Basis
2-10539	Snake River	Irrigation	Decreed
Wilder Irr. Dist. WR's	Snake River	Irrigation	Decreed

Comments: WR 2-10539 covers 13.7 acres of the 20 acre POU. The additional beneficial use is recommended for licensing instead of a combined use limit.

2. Other water rights with the same point-of-diversion:

YES Overlap

Water Right No.	Source	Purpose of Use	Basis
2-10539	Snake River	Irrigation	Decreed

Comments: Water right 2-10539 was split in 2017 from 2-10266. A transfer was never filed to move the POD to the new pump location visible between 2017-2019 imagery.

C. DIVERSION AND DELIVERY SYSTEM1. LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER SE¼ SE¼, Sec. 8, Twp 01N, Rge 03W, B.M. CANYON County

Method of Determination: Pump GPS'd at 43° 25' 54" N, 116° 43' 1" W.

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	
01N	03W	8															1.0 L7	5.3 L7	6.3

Total Acres: 6.3

Method of Determination: Site visit, aerial imagery, digital PLSS system

3.

X Delivery System Diagram Attached (required). Indicate all major components and distances between components.
X Indicate weir size/pipe as applicable.

X Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.

X Aerial Photo Attached (required for irrigation of 10+ acres).

X Photo of Diversion and System Attached

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
n/a	Leeson	5	n/a	Munro	02420J2

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
5 gal bucket	5 gal bucket test	n/a	n/a	n/a	5 gal	n/a

2. Measurements: 5-Gallon bucket test (Only two measurements were taken due to the pump getting clogged after the second measurement).

1. 4.05 sec
2. 4.65 sec

Larger = 4.65 = 64.52 gpm = 0.14 cfs

E. FLOW CALCULATIONS

X Additional Computation Sheets Attached

Measured Method: Theoretical

$$Q = \frac{8.8 * (\text{Efficiency}) * \text{hp}}{\text{depth to water} + 2.31 * (\text{psi}) + \text{friction}} = \frac{8.8 * .7 * 5}{20 * 2.31 * 48} = \mathbf{0.24 \text{ cfs}}$$

Measured Method: Sprinkler rating

1 sprinkler every 40 ft
 Range of 800 ft to 1000 ft
 20 to 25 sprinklers, mid-range of 22.5 sprinklers
 Mid-range of sprinkler @ 50 psi = 3.1 gpm
 22.5 sprinkler @ 3.1 gpm = 69.75 gpm = **0.16 cfs**

Permit	0.350 cfs
B.U. Standard	0.13 cfs
B.U. Fee Paid	\$100 0.21 to 1.00 cfs
5-Gal Test	0.14 cfs
Sprinkler rating	0.16 cfs
Theoretical	0.24 cfs

License Recommendation 0.02 cfs

(Based on 0.16 cfs system capacity diversion rate minus the 0.14 cfs authorized by 2-10539.)

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: Irrigation use from surface water source exempt from reporting volume per IDAPA 37.03.02

2. Volume Calculations for Other Uses: None

G. NARRATIVE/REMARKS/COMMENTS

This permit authorizes 0.350 cfs of water from the Snake River for irrigation of 24 acres in southern Canyon County. The application for permit was originally filed incomplete on January 16, 2018, but was returned on February 12, 2018 complete. The application was amended August 13, 2018, in order to resolve a protest regarding the point of diversion listed on the application. This did not advance the priority date. The application was filed by the company HGOAL LLC, but the permit was assigned to David and Lisa Martin on May 10, 2019. A field exam was completed by WRA Tyler Smith and was accompanied by the permit holders on October 13, 2020.

The point of diversion is a 5-hp Leeson motor on a Munro pump on a float in the Snake River. A 2" line comes from the pump and connects to a buried 4" PVC line that connects to a 6" main-line. Hand-lines are then attached to the 6" main-line via valves spaced evenly on the main-line, with only one hand-line operated at a time. The hand-lines contain Aquaburst HF 30 sprinklers with 1/8" nozzles, with one sprinkler every 40 feet of line. Due to the shape of the place of use, sections of hand-lines are added or taken off to effectively irrigate the acreage. A 5 gal bucket test was conducted on the pump, resulting in 2 measurements due to a clogging of the pump during the third measurement, resulting in a measurement of 0.14 cfs.

20 acres of irrigation was developed, 13.7 acres of which were overlapping wr 2-10539. The additional beneficial use is recognized by this right instead of creating a combined use limit between the two rights, resulting in a 6.3 acre place of use. Aerial photography for the western section of the pou does not appear irrigated, but evidence of wheat crops was observed during the field exam. The sprinkler calculation provides a slightly higher diversion rate than the 5-gal bucket test. Since this is closer to the standard allowance, and the pump test was cut short, I am recommending a system capacity of 0.16 cfs. 0.14 cfs is already authorized by 2-10539, so 0.02 cfs represents the additional beneficial use. No volume is recommended due to the source being surface water.

Have conditions of permit approval been met? X Yes No

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>
IRRIGATION	03/01 to 11/15	0.02 CFS

Totals: 0.02 CFS

2. Recommended Amendments

 Change P.D. as reflected above Add P.D. as reflected above X None
 Change P.U. as reflected above Add P.U. as reflected above X None

I. AUTHENTICATION Tyler Smith - Water Resource Agent

Field Examiner's Name _____ Date _____

Reviewer _____ Date _____



Order Number: 18325206

Warranty Deed

For value received,

HGOAL, LLC, an Idaho limited liability company

the grantor, does hereby grant, bargain, sell, and convey unto

David Gentry Martin and Lisa May Martin, husband and wife 

whose current address is _____

the grantee, the following described premises, in Canyon County, Idaho, to wit:

A portion of Government Lot 7 of Section 8, Township 1 North, Range 3 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

Beginning at the Northeast corner of said Government Lot 7; thence South 00°04'04" East along the East boundary of said Government Lot 7 a distance of 348.62 feet; thence South 46°35'11" West a distance of 1016.49 feet to a point on the approximate ordinary high water line of the Snake River; thence traversing said approximate ordinary high water line as follows:

North 54°03'42" West a distance of 309.72 feet; thence North 42°05'30" West a distance of 451.25 feet; thence North 44°28'28" West a distance of 188.63 feet; thence North 45°31'25" West a distance of 154.56 feet; thence leaving said approximate ordinary high water line and bearing North 44°56'51" East a distance of 405.12 feet to a point on the North boundary of said Government Lot 7; thence North 89°57'22" East along said North boundary a distance of 1247.46 feet to the Point of Beginning.

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Dated: January 17, 2019

HGOAL, LLC, an Idaho limited liability company

By: 

Rutile Xia, member

for HGoal LLC

State of Idaho, County of Canyon, ss

On this 12th day of January, 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared Ruijie Xia, known or identified to me to be the authorized member of the limited liability company that executed the within instrument and acknowledged to me that she executed the same for and on behalf of said limited liability company and that such limited liability company executed it.

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

Edie R. O'Dell

Notary Public for Idaho

Residing In: _____

My Commission Expires: _____

Residing In Nampa, Idaho
My Commission Expires 4/17/2021





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

November 30, 2020

DAVID MARTIN III
LISA MARTIN
202 CENTRAL HOUSE RD
OROVILLE CA 95965-9686

Re: Transfer No: 84519
Water Right No: 2-10539

Transfer Approval Notice

Dear Water Right Holders:

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,



Anna Kaizer

For

Nick Miller

Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2020 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.: 84519
Water Right No(s): 2-10539

DAVID MARTIN III
LISA MARTIN
202 CENTRAL HOUSE RD
OROVILLE CA 95965-9686



Handwritten signature of Anna Kaiser in blue ink, with the name "Anna Kaiser" written in parentheses to the right of the signature.



Handwritten signature of Nick Miller in blue ink, with the word "For" written to the left of the signature.

Nick Miller
Regional Manager

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. 84519
FROM: Tyler Smith
DATE: November 16, 2020
RE: Evaluation of Application

Summary of Information Submitted

David and Lisa Martin are farmers who own and irrigate property along the Snake River in Canyon County. They filed transfer no. 84519 to change the ownership of water right 2-10539 and to change the point of diversion from its original decreed location to just upstream where it is currently being diverted. This transfer was filed at my suggestion during the licensing of overlapping water right 2-10558.

The ownership change processed prior to transfer no. 84519 resulted in 2-10539 from HGOAL LLC to David and Lisa Martin.

Authority to File

The current owner of 2-10539 is HGOAL LLC. A warranty deed provided with the transfer application shows that David and Lisa Martin purchased the property that pertains to 2-10539 from HGOAL LLC on January 17, 2019. This is also reflected in current tax lot data.

Water Right Validity

The right is presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by department during a recent field exam for overlapping right 2-10558 as well as by 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

No injury is anticipated. The right is currently being used and diverted according to the transfer without any complaint the Department has been made aware of.

Enlargement of Use

The authorized diversion rate and amount of acres will not change as a result of the transfer. The change in the point of diversion is negligible as it is just moving up-river a few hundred feet and therefore is not any more reliable of a source, so enlargement is not of concern.

Local Public Interest

No information has been made available to suggest a conflict with 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

The application was originally submitted with a \$50 fee. An additional fee of \$175 was submitted on November 16, 2020 to bring the total fee to \$225, \$200 for the point of diversion transfer and \$25 for the ownership change. The applicants are listed as David and Lisa Martin,

however only David had signed the transfer. A copy of the transfer was resubmitted with Lisa's signature on November 17, 2020. 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. Assuming other information not yet discovered does not contradict the above analysis, the application can be approved as reflect by the draft approval.