

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84175**

This is to certify that: KIRSTEN LYN SCHVANEVELDT AND
WADE LEE SCHVANEVELDT
PO BOX 602
GRACE, ID 83241

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>
13-2072	WR/LICENSE	6/9/1917	2.000 cfs	N/A	N/A	100.0	SPRINGS
13-603	WR/DECREED	6/28/1895	0.300 cfs	N/A	N/A	N/A	CHINA SPRING
13-606	WR/DECREED	6/28/1895	0.300 cfs	N/A	N/A	N/A	GREEN WILLOW SPRING
13-608	WR/DECREED	6/28/1895	0.300 cfs	N/A	N/A	N/A	NETTIE SPRINGS
13-610	WR/DECREED	6/28/1895	0.100 cfs	N/A	N/A	N/A	SPRINGS

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
13-2072	NO	NO	YES	NO	NO	NO
13-603	YES	NO	YES	NO	NO	NO
13-606	NO	NO	YES	NO	NO	NO
13-608	NO	NO	YES	NO	NO	NO
13-610	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
13-2072	13-2072	2.000 cfs	N/A	N/A	99.0	N/A	N/A	N/A	N/A	N/A
13-603	13-8063	0.280 cfs	N/A	14.0	99.0	13-603	0.02 cfs	N/A	N/A	1.0
13-606	13-606	0.300 cfs	N/A	15.0	99.0	N/A	N/A	N/A	N/A	N/A
13-608	13-608	0.300 cfs	N/A	15.0	99.0	N/A	N/A	N/A	N/A	N/A
13-610	13-610	0.100 cfs	N/A	5.0	99.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.980 cfs	N/A	N/A	99.0		N/A	N/A	N/A	N/A

Transfer No. 84175

**Support Data
In File # 13-603**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 84175

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 1st day of October, 2020.



Regional Manager



Transfer No. 84175

Support Data
In File # 13-603

WATER RIGHT NO. 13-606
As Modified by Transfer No. 84175

CONDITIONS OF APPROVAL

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



WATER RIGHT NO. 13-608
As Modified by Transfer No. 84175

In accordance with the approval of Transfer No. 84175, Water Right No. 13-608 is now described as follows:

Right Holder: WADE LEE SCHVANEVELDT AND
 KIRSTEN LYN SCHVANEVELDT
 PO BOX 602
 GRACE, ID 83241

Priority Date: 6/28/1895

Source: NETTIE SPRINGS **Tributary:** BEAR RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	4/20	to	9/30	0.300 cfs
				0.300 cfs

LOCATION OF POINT(S) OF DIVERSION

NETTIE SPRINGS SESE Sec 17 Twp 10S Rge 40E CARIBOU County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	40E	29	36.0	33.0		30.0													99.0

Right Acre Limit: 15.0

POU Total Acres: 99.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 15 acres within the authorized place of use in a single irrigation season.
2. Rights 13-606, 13-608, 13-610, 13-2072 and 13-8063 when combined shall not exceed the irrigation of 99 acres.
3. The authorized point of diversion for this right is located at Black Canyon Spring. Diversion of water under this right is limited to those times when water is available for diversion under the priority of this right at the original point of diversion from Nettie Springs in the NE1/4 of Section 20, T10S, R40E.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

Transfer No. 84175

WATER RIGHT NO. 13-608
As Modified by Transfer No. 84175

CONDITIONS OF APPROVAL

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



WATER RIGHT NO. 13-610
As Modified by Transfer No. 84175

CONDITIONS OF APPROVAL

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



WATER RIGHT NO. 13-2072
As Modified by Transfer No. 84175

In accordance with the approval of Transfer No. 84175, Water Right No. 13-2072 is now described as follows:

Right Holder: WADE LEE SCHVANEVELDT AND
 KIRSTEN LYN SCHVANEVELDT
 PO BOX 602
 GRACE, ID 83241

Priority Date: 6/9/1917

Source: SPRINGS **Tributary:** BEAR RIVER

BENEFICIAL USE	From	To	Diversion Rate
IRRIGATION	04/20	to 09/30	2.000 cfs
			2.000 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRINGS SESE Sec 17 Twp 10S Rge 40E CARIBOU County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	40E	29	36.0	33.0		30.0													99.0

POU Total Acres: 99.0

CONDITIONS OF APPROVAL

1. Rights 13-606, 13-608, 13-610, 13-2072 and 13-8063 when combined shall not exceed the irrigation of 99 acres.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
3. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this 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.

Transfer No. 84175

WATER RIGHT NO. 13-603

As Modified by Transfer No. 84175

In accordance with the approval of Transfer No. 84175, Water Right No. 13-603 is now described as follows:

Right Holder: RALPH T HANSEN
RT 1 BOX 89
GRACE, ID 83241

Priority Date: 6/28/1895

Source: CHINA SPRING

Tributary: BEAR RIVER

BENEFICIAL USE
IRRIGATION

From
4/20 to **To**
9/30

Diversion Rate
0.020 cfs
0.020 cfs

LOCATION OF POINT(S) OF DIVERSION

CHINA SPRING SESE Sec 17 Twp 10S Rge 40E CARIBOU County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
10S	40E	29				1.0														1.0

POU Total Acres: 1.0

CONDITIONS OF APPROVAL

1. Water right split in Transfer 84175.
2. The authorized point of diversion for this right is located at Black Canyon Spring. Diversion of water under this right is limited to those times when water is available for diversion under the priority of this right at the original point of diversion from China Spring in the NWSW of Section 20, T10S, R40E.

WATER RIGHT NO. 13-8063
As Modified by Transfer No. 84175

CONDITIONS OF APPROVAL

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



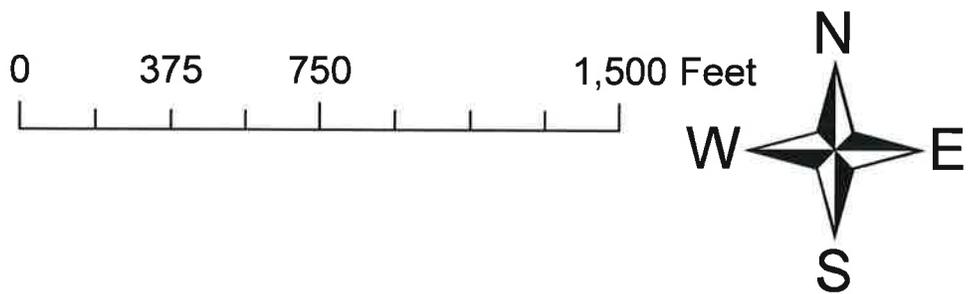
Attachment to Transfer Approval 84175

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



Legend

- WR POD
- ▭ WR POU
- ▭ Township/Range
- ▭ Sections
- ▭ QQ



Date: 10/1/2020



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 1, 2020

WADE LEE SCHVANEVELDT
KIRSTEN LYN SCHVANEVELDT
PO BOX 602
GRACE ID 83241

Re: Transfer No: 84175
Water Right No(s): 13-603, 13-606, 13-608, 13-610, 13-2072

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,



Christina Henman
Administrative Assistant

Enclosure

CC:

RANDALL C BUDGE

PO BOX 1391

POCATELLO ID 83204-1391

RALPH T HANSEN

RT 1 BOX 89

GRACE ID 83241

TOM A. HANSEN

P.O. BOX 128

RIVERSIDE UT 84334

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 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.: 84175

Water Right No(s): 13-603, 13-606, 13-608, 13-610, 13-2072

**WADE LEE SCHVANEVELDT
KIRSTEN LYN SCHVANEVELDT
PO BOX 602
GRACE ID 83241**

**RANDALL C BUDGE
PO BOX 1391
POCATELLO ID 83204-1391**

**RALPH T HANSEN
RT 1 BOX 89
GRACE ID 83241**

**TOM A. HANSEN
P.O. BOX 128
RIVERSIDE UT 84334**



**Christina Henman
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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