

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 84264**

This is to certify that: CARLA C CRITCHFIELD AND  
CHRISTOPHER A WINGFIELD  
1905 POPLAR ST  
BUHL, ID 83316

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>
47-8387	WR/LICENSE	5/18/1995	0.030 cfs	4.0 af	N/A	1.0	GROUND WATER

**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>
47-8387	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>
47-8387	47-8387	0.030 cfs	4.0 af	N/A	1.0	N/A	N/A	N/A	N/A	N/A
<b>COMBINED TOTALS</b>		0.030 cfs	4.0 af	N/A	1.0		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 20th day of August, 2020.

  
Southern Region Manager

Transfer No. 84264

**WATER RIGHT NO. 47-8387**  
**As Modified by Transfer No. 84264**

In accordance with the approval of Transfer No. 84264, Water Right No. 47-8387 is now described as follows:

**Right Holder:** CHRISTOPHER A WINGFIELD AND  
 CARLA C CRITCHFIELD  
 1905 POPLAR ST  
 BUHL, ID 83316

**Priority Date:** 5/18/1995

**Source:** GROUND WATER

<b><u>BENEFICIAL USE</u></b>	<b><u>From</u></b>	<b><u>To</u></b>	<b><u>Diversion Rate</u></b>	<b><u>Diversion Volume</u></b>
IRRIGATION	4/01	to 10/31	0.030 cfs	4.0 af
			0.030 cfs	4.0 af

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER                      SWSW                      Sec 36 Twp 09S Rge 14E TWIN FALLS County

**PLACE OF USE: IRRIGATION**

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	14E	36											1.0						1.0

POU Total Acres: 1.0

**CONDITIONS OF APPROVAL**






1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
2. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 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 the date of this approval.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
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. 84264

State of Idaho  
Department of Water Resources  
**Attachment to Transfer # 84264**  
47-8387

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.



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

0 0.035 0.07 0.14 Miles







## 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:

We will work with the well company to propose any measuring device and lockable controls.

- b. Who owns the property at the point(s) of diversion? Chris Wingfield and Carla Critchfield

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](http://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.

[Signature]  
Signature of applicant or authorized agent

CHRIS WINGFIELD  
Print name and title if applicable

7-31-2020  
Date

[Signature]  
Signature of applicant or authorized agent

Carla Critchfield  
Print name and title if applicable

7/31/20  
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](http://www.idwr.idaho.gov), *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

### FOR DEPARTMENT USE ONLY

Transfer includes \_\_\_\_\_ pages of attachments.

Received by CH

Date 7-31-2020

Fee paid \$50- Date 7-31-2020

Received by Dm / SG

Receipt # 5038058

Preliminary review by H 150.00 Date 8-18-20

Date \_\_\_\_\_

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)

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

8/4/2020

**Water Right 47-8387**

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHRISTOPHER A WINGFIELD 1905 POPLAR ST BUHL, ID 83316
Current Owner	CARLA C CRITCHFIELD 1905 POPLAR ST BUHL, ID 83316
Original Owner	CLARE C JOSAITIS 1901 POPLAR BUHL, ID 83316 (208) 543-8579
Original Owner	ROBERT M JOSAITIS 1901 POPLAR BUHL, ID 83316 (208) 543-8579

**Priority Date:** 5/18/1995

**Basis:** License

**Status:** Active

**Source**

GROUND WATER

**Tributary**

**Beneficial Use**

IRRIGATION

**From**

4/01

**To**

10/31

**Diversion Rate**

0.030 CFS

**Volume**

4.0 AF

**Total Diversion**

0.030 CFS

4.0 AF

**Source and Point(s) of Diversion**

GROUND WATER

SWSW

Sec. 36, Twp 09S, Rge 14E, TWIN FALLS County

**Place Of Use**

IRRIGATION within TWIN FALLS 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	
09S	14E	36											1.0						1.0

POU Total Acres: 1.0

**Conditions of Approval:**

1. R50 This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
2. 050 Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

8/4/2020

**Comments:**

1. mciscell 6/10/2013 POD  
Bulk Generate Shape From PLS

**Dates and Other Information**

Licensed Date: 3/7/1997  
Owner Name Connector: AND  
Water District Number: NWD  
Mitigation Plan: False

**Combined Use Limits**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

N/A

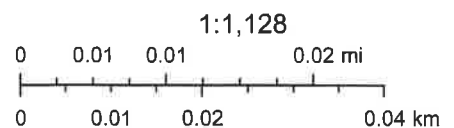
# POD Transfer



7/30/2020, 2:53:17 PM

- █ Override 1
- █ Quarter Quarter
- █ Lines
- █ Section
- █ Override 1
- █ Township/Range
- █ Override 2
- █ Idaho Outline
- █ Counties
- █ Idaho Mask

*Per applicant, red arrow points to new well location: (see memo dated 8/4/2020)*



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Created by NRCS from 1:24,000 scale USGS topographic maps., Idaho Department of Water Resources

**TRANSFER 84264**





State of Idaho

## DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov) • Email: [southerninfo@idwr.idaho.gov](mailto:southerninfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

August 24, 2020

CHRISTOPHER A WINGFIELD  
CARLA C CRITCHFIELD  
1905 POPLAR ST  
BUHL ID 83316

Re: Transfer No: 84264  
Water Right No(s): 47-8387

### Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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) 736-3033.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Corey Skinner'.

Corey Skinner  
Southern Regional Manager

Enclosure

## CERTIFICATE OF SERVICE

I hereby certify that on August 24, 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.: 84264  
Water Right No(s): 47-8387

CHRISTOPHER A WINGFIELD  
CARLA C CRITCHFIELD  
1905 POPLAR ST  
BUHL ID 83316



Denise Maline  
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.



## MEMORANDUM

**Date:** August 19, 2020  
**To:** Transfer 84264 File  
**From:** Michelle Richman  
**Re:** Fee Evaluation

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Filing fees of \$200.00 charged for transfer application # 84264 were based on the current transfer fee schedule. The transfer fee is \$200.00 for the 0.03 cfs being transferred in the application. The applicant mailed in \$50.00 with the application (Receipt No.S038058), and applicant subsequently paid the remaining \$150.00 (Receipt No. S038085).

## MEMORANDUM

**Date:** August 4, 2020  
**To:** Transfer 84264  
**From:** Michelle Richman  
**Re:** Legal Notice Not Required

Legal Notice Not Required  
8/4/2020

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.

## MEMORANDUM

**Date:** August 4, 2020  
**To:** Transfer # 84264 File  
**From:** Michelle Richman  
**Re:** Evaluation of Sufficiency of Information Submitted

Application proposes to move the point of diversion for a 0.03 cfs groundwater irrigation right from the neighboring property to the applicants' property. Proposed well is to be drilled within 500 feet of, and to the west of, the current POD. From the intersection of Main and Broadway in Buhl, the proposed new POD would be located approximately 0.18 mile south and 0.59 mile west. The right involved with the application is not within a water district; therefore, no watermaster comments were attainable.

The proposed transfer does not appear to alter the local hydrology, therefore, this application will continue through processing without advertisement and will be forwarded for approval consideration.

- **Authority to File:**  
The applicants are the owners of the water right involved in the transfer. The proposed POD would be positioned on applicant-owned land.
- **Water Right Validity:**  
The right involved with this transfer was licensed in 1997. Aerial photography indicates that the water right has been used in recent years.
- **Injury to Other Water Rights:**  
None anticipated.
- **Enlargement of Use:**  
None anticipated. No change to the place of use is proposed.
- **Local Public Interest:**  
No negative impacts anticipated. Department staff found no cause to require public notice. This application will continue through processing without advertisement and will be forwarded for approval consideration.
- **Beneficial Use/Conservation of Water Resources:**  
No change in the nature of use. Irrigation is recognized as a beneficial use of water.
- **Effect on Economy of the Local Area:**  
No issues anticipated.
- **Effect of the Agricultural Base of the Local Area:**  
None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

## **MEMORANDUM**

**TO:** Transfer 84264 File

**FROM:** Michelle Richman

**DATE:** August 4, 2020

**SUBJECT:** Proposed Location of POD

I spoke with applicant Chris Wingfield by phone on 8/3/20. He confirmed that the proposed location of the new well (POD) is marked by the tip of the red arrow on the map submitted with the transfer application. This will position the well at the back (West) side of the shop on the applicants' property.