

MAY 29 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) EAST WEISER IRRIGATION DISTRICT Phone 208-550-2034
2. MAILING ADDRESS P.O. Box 831 City Weiser
State ID Zip 83672 Email _____

- ☐ 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) 67-00007

- ☒ 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 4 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]

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:

Diversion changed to bellowing Dam. Water delivered to East Weiser Irrigation Headgate and pipeline system.

- b. Who owns the property at the point(s) of diversion? Weiser Irrigation District
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)?

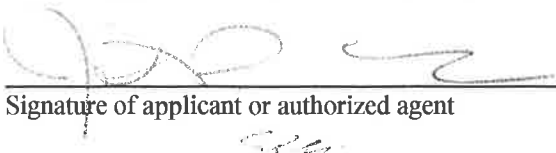
If yes, describe:

- 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.


Signature of applicant or authorized agent

Jonathan P Edwards
Print name and title if applicable Sec

5-20-2020
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 _____ pages of attachments. Received by LE Date 05/29/2020

Fee paid \$740.00 Date 05/29/2020 Receipted by LE Receipt # W048337

Preliminary review by _____ 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)

AGREEMENT TO DELIVER WATER

THIS AGREEMENT made and entered into this 15th day of November, 1999, by and between WEISER IRRIGATION DISTRICT ("District") and EAST WEISER IRRIGATION DISTRICT ("East Weiser").

W I T N E S S E T H:

WHEREAS, the District owns a canal commonly referred to as the "Galloway Canal" which brings water from the Weiser River to the properties within the District boundaries. East Weiser is an organized irrigation district whose confines and boundaries of property irrigated adjoin the east boundaries of the Weiser Irrigation District but is organized as a separate entity which delivers water from its present existing mill ditch canal to its water users in the east end of the City of Weiser.

WHEREAS, East Weiser is desirous to change its point of diversion and method of carrying water from the mill ditch to the Galloway Canal which carries water ultimately to approximately the same location as the termination of the mill ditch presently exists within the City of Weiser with higher elevation for more water pressure and better delivery.

WHEREAS, the parties are desirous to have Weiser Irrigation District deliver its water in exchange for East Weiser paying an assessment for such delivery thereby saving the delivery costs and maintenance expenses that they presently incur by using the mill ditch.

NOW, THEREFORE, the parties hereto, in consideration of the mutual benefits, hereby agree as follows:

1. **DELIVERY OF WATER.** The District hereby agrees to divert from Weiser River at

their Galloway Diversion Works and carry down their canal, water from time to time requested by East Weiser for purposes of providing water to the landowners within the East Weiser District totaling approximately 200 miners inches with the understanding the set 200 miners inches shall be carried in the Galloway Canal to be diverted from the canal at the times and places hereinafter established by East Weiser.

2. ASSESSMENT. East Weiser agrees to pay an amount equal to that which the District assesses and in the same method as prescribed in the Stipulated Judgment entered in the case of Vaughn W. Kelley, et al. v. Weiser Irrigation District, Case No. CV-98-00496 incorporated herein by reference though not specifically attached. East Weiser specifically acknowledges to be aware of the amount assessed for the delivery of 200 miners inches of water.

3. DIVERSION WORKS. The parties specifically understand and agree that East Weiser shall be fully responsible for all costs, expense and maintenance of installing, maintaining and operating a Diversion Works from the Galloway Canal to East Weiser's existing headgate located at the north end of East Weiser Irrigation District's property. East Weiser further agrees that said Diversion Works shall be installed in compliance with and subject to approval of the standards set by Weiser Irrigation District and any experts they deem necessary in order to protect the integrity of their canal and delivery system. Said Works shall be installed at a time and in a method so as not to interfere with the irrigation season or to interfere with the cleaning of the canal and so as not to impair, impede or retard the flow of water through the Galloway Canal.

4. AMOUNT OF WATER DELIVERED. East Weiser specifically understands and agrees that the water to be delivered pursuant to this Agreement consists only of the water which is already owned and being delivered to the constituents within the East Weiser Irrigation District

2 - AGREEMENT TO DELIVER WATER

boundaries. East Weiser shall request the District to deliver water which requests shall be limited only to those seasons of the year when the District is carrying water in the canal. East Weiser owns early priority water rights out of Weiser River, but owns no storage water in Crane Creek Reservoir. THE DISTRICT SHALL NOT BE OBLIGATED TO FURNISH TO EAST WEISER ANY WATER AT ANY TIME OF THE SEASON, WITH EXCEPTION OF THE WATER WHICH THEY OWN IN THE EVENT THERE IS ANY SHORTAGE OF ANY USER WHO OWNS PRIOR WATER RIGHTS.

5. RIGHTS OF DISTRICT MEMBERS. East Weiser specifically understands and agrees that this Agreement to furnish water to East Weiser shall be carried out, administered and applied in such a manner so as not to deteriorate, dilute, diminish, restrict or hinder any water rights owned by any District member entitled to water through the Diversion Works and the canal belonging to the District. This Agreement to furnish water is for the convenience of East Weiser and anticipated to be carried out in a manner so as not to effect any existing water rights of the District members. The District therefore retains the right upon giving written notice to direct East Weiser to shut off the Diversion Works owned by East Weiser when there is no water available through the District from East Weiser's water rights.

6. WAIVER OF ANY CLAIM OF DAMAGES. East Weiser specifically agrees that this contract to carry water is for the convenience of East Weiser and shall not accrue to a right which would adversely effect District members or their water rights in any way. East Weiser further agrees that in the event the District is required to give notice to turn off the water, the District shall not be subject to, liable for, or responsible for any damages of any kind for the District shutting off the water so long as it is in compliance with the terms of this Agreement. The District specifically agrees that it will not require East Weiser to shut off as long as East

Weiser has water available based on East Weiser water rights and can be delivered without adverse effects to District users.

7. EXISTING LITIGATION. East Weiser acknowledges that the District is involved in litigation under the Snake River Basis Adjudication which may affect the water from the District. East Weiser agrees that in the event the outcome of the litigation effects the rights, terms or conditions of this contract, the parties agree to mutually amend the contract in form with the court findings of such litigation to the extent necessary for the District to comply with any such court order.

8. VOTING RIGHTS. East Weiser acknowledges that this contract agreement does not authorize them to become a member of the District nor do they acquire any right to vote as to District affairs.

9. RECORDING OF AGREEMENT. The parties hereto specifically understand that this Agreement may be recorded at East Weiser's option so that the terms, conditions and provisions of this Agreement can become appurtenant to and affixed to the real property owned by East Weiser. The parties further acknowledge that such recording shall give notice to any subsequent purchasers of the terms, conditions, limitations and restrictions provided in this Agreement.

10. CHANGE AND POINT OF DIVERSION. East Weiser Irrigation District shall remain fully responsible for taking any and all action that it deems necessary through the Department of Water Administration or other procedures to obtain the right and the authority to change its point of diversion and manner of delivery of water to its constituents. The parties hereto specifically agree that if East Weiser Irrigation District is unable to legally obtain such rights and is thus unable to use benefits of this contract, they shall be relieved of the same. They

By: Walter G. Hopper

By: Robert O. Kern

ATTEST:


Secretary

STATE OF IDAHO)
)
) ss
County of Washington)

On This 15th day of November, 1999, before me; the undersigned, a Notary Public in and for said State, personally appeared VERNON E. LOLLEY, GAIL VAN TASSELL and A.G. SALFEN, known to me to be the Directors of Weiser Irrigation District, and acknowledged to me that they executed the same in their official capacity.

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

Notary Public for Idaho
Residing at:
My Commission Expires:

shall, however, pay all costs of delivery for the time water has been delivered as above agreed.

11. ATTORNEY'S FEES FOR DRAFTING CONTRACT. The District will pay the fee for preparation of this Agreement to Attorney Lary C. Walker. East Weiser further acknowledges that Lary C. Walker represents the District and East Weiser is free to seek independent counsel at his own choosing if he so desires. However, he agrees to reimburse the District \$170.00 for the costs and preparation of this Agreement.

IN WITNESS WHEREOF, the parties have hereunto set our hand and seal this 15th day of November, 1999.

WEISER IRRIGATION DISTRICT

By:

Vernon E. Lolley
VERNON E. LOLLEY

By:

Gail Van Tassell
GAIL VAN TASSELL

By:

A.G. SALFEN

ATTEST:

Janet Edus
Secretary

EAST WEISER IRRIGATION
DISTRICT

By:

Joseph R. Aubrey

STATE OF IDAHO

)

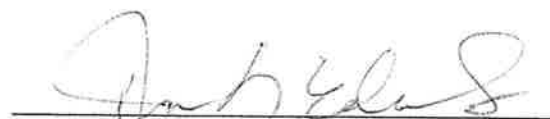
:ss

County of Washington

)

On This 18 day of November, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Joseph Aubrey, Walter Hopper and Delbert O'Hara, known to me to be the Directors of East Weiser Irrigation District, and acknowledged to me that they executed the same in their official capacity.

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



Notary Public for Idaho

Residing at:

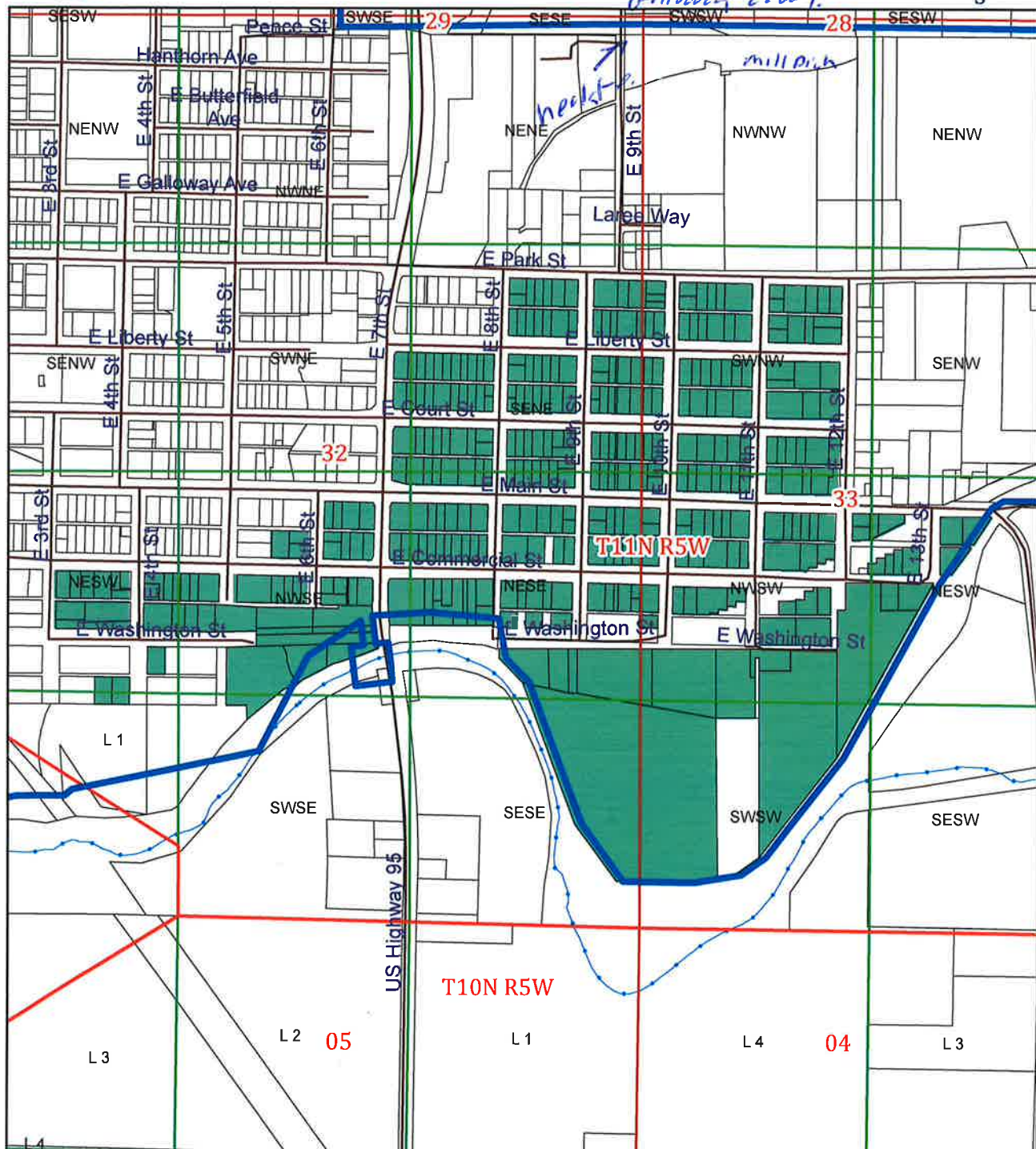
My Commission Expires:



THIS MAP CREATED BY THE OFFICE OF THE
WASHINGTON COUNTY ASSESSOR



976 ATC EAST WEISER



0 600 1,200 2,400
Feet

1 inch = 830.4 feet

BASED ON GOVERNMENT SURVEYS & OFFICIAL RECORDS
ON FILE AT THE OFFICE OF THE COUNTY RECORDER OF
WASHINGTON COUNTY, IDAHO.
FOR ASSESSMENT PURPOSES ONLY
DOES NOT GUARANTEE BOUNDARIES

Legend	
	Township
	Sections
	Parcel Lines
	Streets

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 67-00007

Current Owner: EAST WEISER IRRIGATION DISTRICT
 WEISER CITY DITCH & IRRIGATION CO

Priority Date: 9/1/1880

Origin: Water Right

Status: Active

Basis: Decreed

Source

WEISER RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Diversion Rate

9 CFS

Annual Volume

Total Diversion

9 CFS

Location of Point(s) of Diversion

WEISER RIVER

NW1/4SW1/4

Sec. 1, Twp 10N, Rge 05W B.M.

WASHINGTON County

Place of Use

IRRIGATION Within WASHINGTON County

T10N R05W S2	Lot 1	NENE	T10N R05W S2	Lot 2	NWNE
T10N R05W S2		SWNE	T10N R05W S2		SENE
T10N R05W S2	Lot 3	NENW	T10N R05W S2		NESE
T10N R05W S2		NWSE	T10N R05W S3	Lot 1	NENE
T10N R05W S3	Lot 2	NWNE	T10N R05W S3		SWNE
T10N R05W S3		SENE	T10N R05W S3	Lot 3	NENW
T10N R05W S3	Lot 4	NWNW	T10N R05W S3		SWNW
T10N R05W S3		SENW	T10N R05W S3		NESE
T10N R05W S4	Lot 4	NWNW	T10N R05W S5	Lot 1	NENE
T11N R05W S27		SWSW	T11N R05W S27		SESW
T11N R05W S32		NENE	T11N R05W S32		SWNE

T11N R05W S32		SENE	T11N R05W S32	NESW
T11N R05W S32	Lot 1	SESW	T11N R05W S32	NESE
T11N R05W S32		NWSE	T11N R05W S32	SWSE
T11N R05W S32		SESE	T11N R05W S33	NENE
T11N R05W S33		NWNE	T11N R05W S33	SWNE
T11N R05W S33		SENE	T11N R05W S33	NENW
T11N R05W S33		NWNW	T11N R05W S33	SWNW
T11N R05W S33		SENE	T11N R05W S33	NESW
T11N R05W S33		NWSW	T11N R05W S33	SWSW
T11N R05W S33		NESE	T11N R05W S33	NWSE
T11N R05W S33		SESE	T11N R05W S34	NWNE
T11N R05W S34		SWNE	T11N R05W S34	NENW
T11N R05W S34		NWNW	T11N R05W S34	SWNW
T11N R05W S34		SENE	T11N R05W S34	NESW
T11N R05W S34		NWSW	T11N R05W S34	SWSW
T11N R05W S34		SESW	T11N R05W S34	NESE
T11N R05W S34		NWSE	T11N R05W S34	SWSE
T11N R05W S34		SESE	T11N R05W S35	SWSW
T11N R05W S35		SESW	T11N R05W S35	SWSE

Total Acres: 925

Conditions of Approval:

1. 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.
2. E55 Right Nos. 67-7 and 67-10968 are limited to the irrigation of a combined total of 925 acres in a single irrigation season.
3. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Decreed Date: 12/10/2008

ORDER APPROVING PETITION TO ANNEX LAND

A petition to annex land into the WID having been filed by Winding Brook and C. Robert Woods to annex a total of 1,015.796 acres of land of which all but 87 is irrigated. The above petition having been supported by the following:

1. Letters from various landowners requesting that the annexation be approved.
2. Petitioners having represented that water rights appurtenant to those lands would be assigned to WID for purposes of delivering water to the annexed land through the Mill Ditch.
3. Notice of Petition was published, consistent with Idaho Code §43-1003 in the form attached hereto as Exhibit "A".
4. The matter was set for hearing on January 2nd, at 7:30 p.m. at the District Office and no objections were received.
5. The Board determined that annexing the land would benefit the district with no adverse affects on the existing District landowners, water rights, or water conveyance system.

Based on the facts and evidence presented it is ordered as follows:

1. The petition of the annexation will be approved, consistent with the petition attached as Exhibit "B", which contains the three page legal description of the Mill Ditch land.
2. The land owned by C. Robert Woods attached as Exhibit "C"
3. A south portion of Chicken Hill attached as Exhibit "D"

Said legal descriptions are plotted onto a map attached hereto, all of which are incorporated in this order as if set out in full, setting forth the land hereby annexed under what is known as the Mill Ditch Annexation attached as Exhibit "E"

It is further ordered that consistent with the petition, the Mill Ditch will carry the water relating to most of the land being annexed, but under the supervision and control of Weiser Irrigation District so as to deliver water to the lands of the various owners within the annexed portion without any adverse affect on the Irrigation Districts water rights and conveyance system.

It is further ordered that pursuant to I.C. §43-1006, the Board finds that it is in the best interest of the District to annex the property, and to assess the landowners within the annexed property the costs necessary to defray the expenses incurred in delivering water to the lands within the annexed area, as well as having the river flow and storage water available for use by Weiser Irrigation District if there is any excess water.

It is further ordered that all costs related to management, supervision, and delivery of water to the lands in the annexed portion, will be paid by the landowners within the annexed portion so that there is no adverse costs or delivery of water problems created by this annexation to the other water users within WID.

It is further ordered that if there is no petition for election to determine the change or the annexation within a 90 period as is set forth in § Idaho Code 43-1008, this order annexing the property and the water rights shall be recorded in Washington County records as prescribed in §43-1010.

Dated this 6th day of February, 2001.

Instrument # 182809

WEISER, WASHINGTON, IDAHO

2001-05-25

02:28:00 No. of Pages: 13

Recorded for : WEISER VALLEY TITLE

SHARON WIDNER

Fee: 39.00

Ex-Officio Recorder Deputy

Index to: MISC RECORDING

Gail VanTassell
Gail VanTassell, Chairman

Vern E. Lolley
Vern Lolley, Boardmember

A.G. Salfen
A.G. Salfen, Boardmember

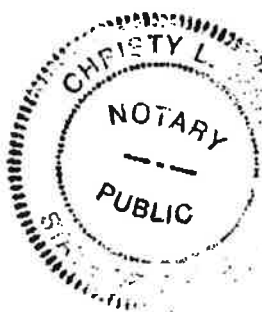
certified: Jenna F. Edwards, Secretary

STATE OF IDAHO)
) ss.
COUNTY OF WASHINGTON)

On this 6TH day of FEBRUARY, in the year 2001, before
me, the undersigned, a Notary Public in and for said State,
personally appeared JENNA L. EDWARDS, SECRETARY OF THE WEISER
IRRIGATION DISTRICT

known or identified to me to be the person whose name is subscribed
to the within instrument as SECRETARY and
acknowledged to me that he executed the same as such SECRETARY

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



Christy L. Edwards
Notary Public for Idaho
Residing at WEISER, IDAHO
My Commission Expires: 11/4/2003

PETITION TO ANNEX LAND IN THE WIESER IRRIGATION DISTRICT

COMES NOW, the undersigned, being holders of real property located in Washington County, adjacent to and bordering the present existing Weiser Irrigation District boundaries. Said petitioners hereby petition to have the following lands described in Exhibit 1 entitled to Mill Ditch Annexation annexed into Weiser Irrigation District. Petitioners further represent that said land consists of lands being presently irrigated under the Mill Ditch lateral south portion consisting of:

South portion	844.296 irrigated acres
North portion	82 irrigated acres
61/2 city lots	2.5 irrigated acres
Dry land below canal	87 Acres

Total	1,015.796
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Petitioners further represent that accompanying this annexation would be a transfer of water rights presently owned by Mill Ditch lateral and its water users to Weiser Irrigation District the following water rights:

WATER RECEIVED

200 inches Muir vs. Allison
25.72 cfs 1988 water claim A67-10968

1,159.1 Crane Creek shares from Winding Brook
220 Crane Creek shares from Robert Woods.

Petitioners further represent that part of the property located on what is commonly known as Chicken Hill south property, was originally owned by Weiser Irrigation District but was sold with an accompanying 11.65 acres water rights. Said land has been billed and assessed by Weiser Irrigation District for the 11.65 acres since that date, and those assessments have been paid. Said rights will be transferred to Weiser Irrigation District.

Petitioners further represent that the land, the water rights, and the Mill Ditch being annexed hereto, would continue to be irrigated in the same method which has been carried out in the past, but would be under the supervision, ownership, and direction of Weiser Irrigation District with the assistance of the water master to monitor delivery of water to the various land owners in their proportionate share. Said annexation will not interfere with, deplete, or in any way jeopardize the existing water rights of the users of Weiser Irrigation District.

EXHIBIT

A

PAGE

1

OF

4

Petitioners further represent that they hold title to more than one half on the above lands being annexed by this petition.

Petitioners request that annexation be accomplished pursuant to Idaho Code §43-1001 *et. seq.* That the secretary publish a notice in the standard manner in which the District publishes notices for special elections notice of this petition to annex as is required under Idaho Code §43-1003. Said notices would contain the following:

1. Names of Petitioners.
2. Legal description of the land to be annexed.
3. Notify all interested parties that may be affected by the change of boundaries of the district.
4. Must register all objections in writing why the land should not be annexed.
5. Give notice of time and place for hearing before the Board.
6. Right to appear before the Board and be heard on their objections.

Petitioners further represent that they have advanced to the secretary sufficient funds to pay the costs and expense associated with the annexation and all procedures related to annexation under Idaho Code in the estimated amount set forth by the record.

Petitioner's further request the Board hear this petition pursuant to the notice and/or continue the same from time to time as may be necessary to answer any or all objections to said petition.

Dated this _____ day of October 2000.

Winding Brook

Robert Woods

EXHIBIT A
PAGE 2 OF 4

182809

BAD COPY

Nº 1343

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Washington } ss.Sarah Boles, being duly sworn,
deposes and says:That he/she is the Clerk of
THE WEISER SIGNAL AMERICAN, a bi-weekly news-
paper published at Weiser, in the County of Washington
and State of Idaho; that said paper has been and is in
general circulation in the county aforesaid, and in the
vicinity of Weiser; that the advertisement, a copy of which
is attached hereto, was published in said newspaper once aweek for three consecutive weeks in the regular and
entire issue of said paper during the period and time of
publication, and was published in the newspaper proper
and not in a supplement; that said paper has been estab-
lished and regularly published for more than seventy-eight
consecutive weeks prior to the date of first publication of
said advertisement.Such notice was published in the issue beginning with
December 20, 2000, and ending
with the issue of January 3, 2001Fees \$ 316.22 Sarah BolesSubscribed and sworn to before me this 3
day of January, 2001Judith A. Benson
Notary Public, residing at Weiser, IdahoMy commission expires 2, 02

No. 1343

NOTICE OF HEAR

NOTICE OF FILING TO PETITION
LAND FOR WEISER IRRIGATIONWinding Brook, C. Robert Wo-
Patty Shearer, Doug Dickerson
and Kyla Dickerson, all owners
irrigated out of Mill Ditch eas-
filed a petition with Weiser
seeking to have their lands a-
present Weiser Irrigation District
annexed lie east of the Weiser
The boundaries which are des-
all located in Washington Cou-The above land contains 1,015
includes:6 1/2 city lots - 2.5 irrigated acre
South portion - 844.296 irrigat
North portion - 82 irrigated ac
Dry land below canal - 87 acreThe petitioners propose to trans-
inches of river flow water obt-
Mill Ditch out of the Weiser Ri-
25.72 c.f.s. with the 1988 prior
no. A67-10968 and Winding I-
shares in Crane Creek Resery.
Woods has 220 shares in Cran-
which will be used to supply
property being annexed along
owned by all of the other peti-The petition proposes that W.I.
assess these lands for all co-
associated with the manage-
ment, the watermaster posts, a-
nequid expenses associated with
the Mill Ditch at the Mill Ditch
continue with the only change-
same under W.I.D. management
further represent that there will
any of the water rights, the cor-
the costs to the existing Weiser
members. A copy of the petiti-
at Weiser Valley Title for moreAll interested persons in this an-
be affected by such change of
District, are hereby notified the
object to this annexation they r-
a notice of any objections whi-
ing specific grounds, the reas-
associated with the annexation
with the District prior to a hea-
the annexation set for January 2At the time of the hearing, an-
will have the right to express
written objections and to make
tations they desire within the
allotted concerning the petition
ing the hearing, the Board of I-
the matter under advisement
sion as to whether or not the a-
best interest of the District orThese proceedings will be co-
with Idaho Code 543-101 et. s.
nexus of lands to District
shall be filed with the Secretary
Valley Title on or before the d-A FORMAL HEARING ON THIS
BE HELD JANUARY 2, 2001 /

EXHIBIT

PAGE 3 OF 4

84118

182809

BAD COPY

No. 1343
NOTICE OF HEARINGNOTICE OF FILING TO PETITION TO ANNEX
LAND FOR WEISER IRRIGATION DISTRICT

Winding Brook, C. Robert Woods, A.G. Salfen, Patty Shearer, Doug Dickerson, Allen Woods, and Kyla Dickerson, all owners of land being irrigated out of Mill Ditch east of Weiser have filed a petition with Weiser Irrigation District seeking to have their lands annexed in to the present Weiser Irrigation District. The lands to be annexed lie east of the Weiser Irrigation District. The boundaries which are described as follows, all located in Washington County, to wit:

The above land contains 1,015.759 acres, which includes:

6% city lots - 2.5 irrigated acres
South portion - 844.296 irrigated acres
North portion - 82 irrigated acres
Dry land below canal - 87 acres

The petitioners propose to transfer to W.I.D. 200 inches of river flow water obtained and held by Mill Ditch out of the Weiser River. An additional 25.72 c.f.s. with the 1988 priority right under claim no. A67-10968 and Winding Brook has 1,159.1 shares in Crane Creek Reservoir and C. Robert Woods has 220 shares in Crane Creek Reservoir which will be used to supply the water for the property being annexed along with water rights owned by all of the other petitioners.

The petition proposes that W.I.D. take over and assess these lands for all costs and expenses associated with the management, delivery of water, the water master costs, and other miscellaneous expenses associated with the operation of the Mill Ditch as the Mill Ditch operation would continue with the only change being to place the same under W.I.D. management. The petitioners further represent that there will be no jeopardy to any of the water rights, the conveyance rights, or the costs to the existing Weiser Irrigation District members. A copy of the petition can be obtained at Weiser Valley Title for more details.

All interested persons in this annexation who may be affected by such change of boundaries to the District, are hereby notified that if they intend to object to this annexation, they must file in writing a notice of any objections which they have stating specific grounds, the reasons, and problems associated with the annexation and file the same with the District prior to a hearing to be held on the annexation set for January 2, 2001 at 7:30 p.m.

At the time of the hearing, any interested party will have the right to express to the board their written objections and to make any oral representations they desire within the reasonable time allotted concerning the petition to annex. Following the hearing, the Board of Directors will take the matter under advisement and render a decision as to whether or not the annexation is in the best interest of the District or to reject the same.

These proceedings will be conducted constant with Idaho Code §43-101 et. seq. relating to annexation of lands to District. Written objections shall be filed with the Secretary District at Weiser Valley Title on or before the date of the hearing.

A FORMAL HEARING ON THIS PETITION SHALL BE HELD JANUARY 2, 2001 AT 7:30 P.M.

90-35

TION

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_____, 2001

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Weiser, Idaho

_____, 02

EXHIBIT

A

PAGE

4

OF

4

84118

MILL DITCH ANNEXATION

Beginning at a point 660 feet South of the Northeast corner of Section 32, Township 11 North, Range 5 West, Boise Meridian, Washington County, Idaho;

thence South 226.5 feet;

thence East 250 feet;

thence South 433.5 feet to the South line of the Northwest quarter of the Northwest quarter of Section 33;

thence East 1070 feet to the Southeast corner of said Northwest quarter of the Northwest quarter;

thence South 1320 feet to the Southwest corner of the Southeast quarter of the Northwest quarter;

thence East along the South line of said Southeast quarter of the Northwest quarter a distance of 560 feet to the Northerly right of way of the PIN Railroad;

thence Easterly along the said Northerly right of way to the East line of the Southeast quarter of the Northwest quarter;

thence South along the East-West center to the North line of the Weiser Slough;

thence Easterly along the Northerly bank of the Weiser Slough and the Weiser River to the West line of the Northeast quarter of the Southeast quarter of Section 3, Township 10 North, Range 5 West, Boise Meridian;

thence North to the North line of said Northeast quarter of the Southeast quarter;

thence East 1320 feet to the Northeast corner of said Northeast quarter of the Southeast quarter;

thence North to the Northwest corner of Section 2, Township 10 North, Range 5 West, Boise Meridian;

thence North along the West line of the Southwest quarter of the Southwest quarter of Section 35, Township 11 North, Range 5 West to the South line of the right-of-way of the IDAHO NORTHERN and PACIFIC RAILROAD;

CONTINUED

EXHIBIT

B

PAGE

1

OF

3

MILL DITCH ANNEXATION

Page 2

thence Southeasterly along said right-of-way line to the South line of said Section 35;

thence East to the Northeast corner of the Northeast quarter of the Northwest quarter of Section 2, Township 10 North, Range 5 West;

thence South 2640 feet to the center of Section 2;

thence East to the Northerly bank of the Weiser River;

thence Northeasterly along the North bank of the Weiser River to the mouth of the Mill Ditch;

thence Westerly along the Southerly line of Mill Ditch to the East line of Section 34, Township 11 North, Range 5 West;

thence North to a point 660 feet North of the Southeast corner of said Section 34;

thence West along the existing Weiser Irrigation District boundary 660 feet;

thence North 660 feet;

thence West 660 feet;

thence North to the South line of Sand Road;

thence Westerly along the South line of Sand Road and Weiser River Road to a East-West center line of the Southeast quarter of the Northwest quarter of Section 34;

thence North along said center line to the North line of said Southeast quarter of the Northwest quarter;

thence West 660 feet to the Northwest corner of said Southeast quarter of the Northwest quarter;

thence continuing West to the South line of the Weiser River Road;

thence West along the South line of Weiser River Road to the West line of the Northwest quarter of the Northwest quarter of Section 34;

CONTINUED

EXHIBIT BPAGE 2 OF 3

MILL DITCH ANNEXATION

Page 3

thence South along the West line of the Northwest quarter of the Northwest quarter of Section 34 to the Southeast corner of the Northeast quarter of the Northeast quarter of Section 33, Township 11 North, Range 5 West, Boise Meridian;

thence West 330 feet;

thence North 49.5 feet to a point 1270.5 feet South of the North line of the Northeast quarter of the Northeast quarter of Section 33;

thence West 1270.5 feet;

thence North 610.5 feet;

thence West to the West line of said Northeast quarter to a point 660 feet South of the Northwest corner of said Northeast quarter;

thence North to the South line of the Mill Ditch;

thence Westerly along the South line of Mill Ditch to a point 580 feet East of the West line of Section 33;

thence South to a point 660 feet South of the North line of Section 33;

thence West 580 feet to the East line of Section 32 to the TRUE POINT OF BEGINNING.

EXHIBIT B
PAGE 3 OF 3

C. Robert Woods

Beginning at the SW corner of Section 27, Twp. 11 N., R. 5 W., B.M.
Thence N 0°30'54"E along the Weiser Irrigation District existing boundary and along the West
line of SW1/4SW1/4 a distance of 1319.06 feet;
Thence S 85°41'30"E a distance of 1088.60 feet;
Thence S 54°25'25"E a distance of 1122.50 feet;
Thence S 59°28'36" E a distance of 480.16 feet;
Thence S 49°31'38"E 500.49 feet to the South line of the SW1/4SE1/4 of Sec. 27;
Thence South 1320 feet to the South line of the NW1/4NE1/4 of Sec. 34, Twp. 11 N., R. 5 W.,
B.M. to a point on the Weiser Irrigation District existing boundary;
Thence West 165 feet to the SW corner of the NW1/4NE1/4 of Sec. 34;
Thence North 660 feet;
Thence West 1320 feet;
Thence North 660 feet to the NE corner of the NW1/4NE1/4 of Sec. 34;
thence West along the North line of said NW1/4NW1/4 a distance of 1320 feet to the Point of
Beginning.

AND

All that portion of the S1/2NW1/4 of Section 34 , Twp. 11 N., R. 5 W., B.M. lying north of Mill
Ditch.

EXHIBIT C

PAGE 1

OF 1

SOUTH PORTION OF CHICKEN HILL

Beginning at the Southwest corner of Section 28, Township 11 North, Range 5 West, Boise Meridian;

thence North along the West line of the Southwest quarter of the Southwest quarter a distance of 379.81 feet;

thence South $89^{\circ}53'18''$ West, a distance of 1324.82 feet to a point on the East line of said Southwest quarter of the Southwest quarter;

thence South $0^{\circ}08'11''$ West along the East line of said Southwest quarter of the Southwest quarter a distance of 385.81 feet to the Southeast corner of said Southwest quarter of the Southwest quarter to a point on the Weiser Irrigation District boundary;

thence South $89^{\circ}53'18''$ West a distance of 1324.97 feet to the TRUE POINT OF BEGINNING.

EXHIBIT

D

PAGE

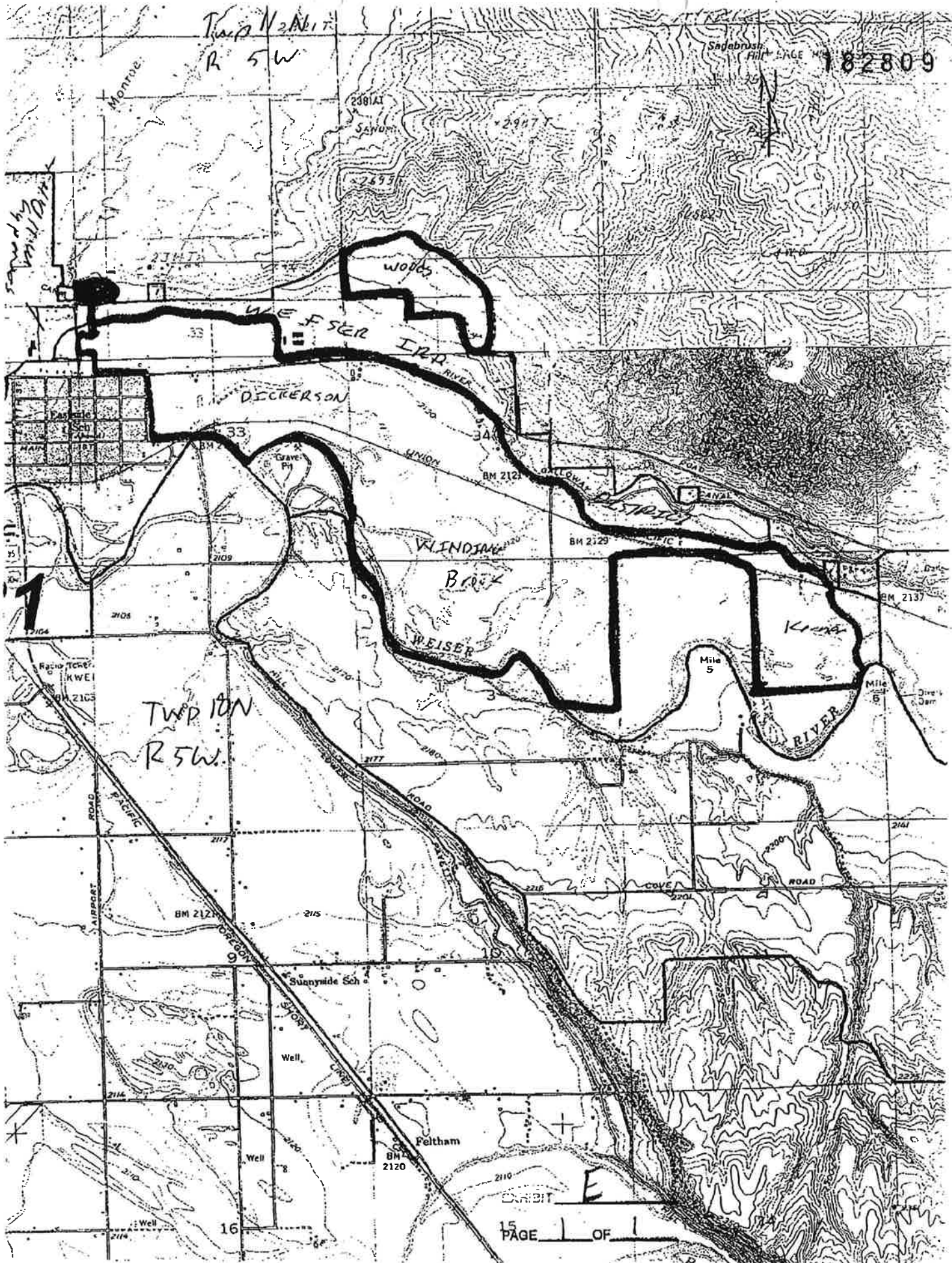
1 OF 1

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Assessed

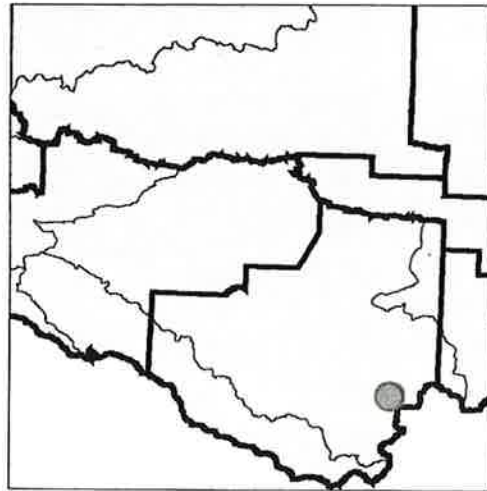
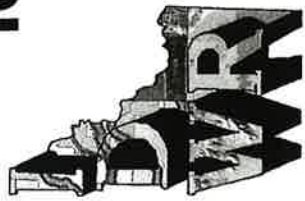
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Twp 10N
R 5W

Sagebrush Hill PAGE 182809



Idaho Department of Water Resources

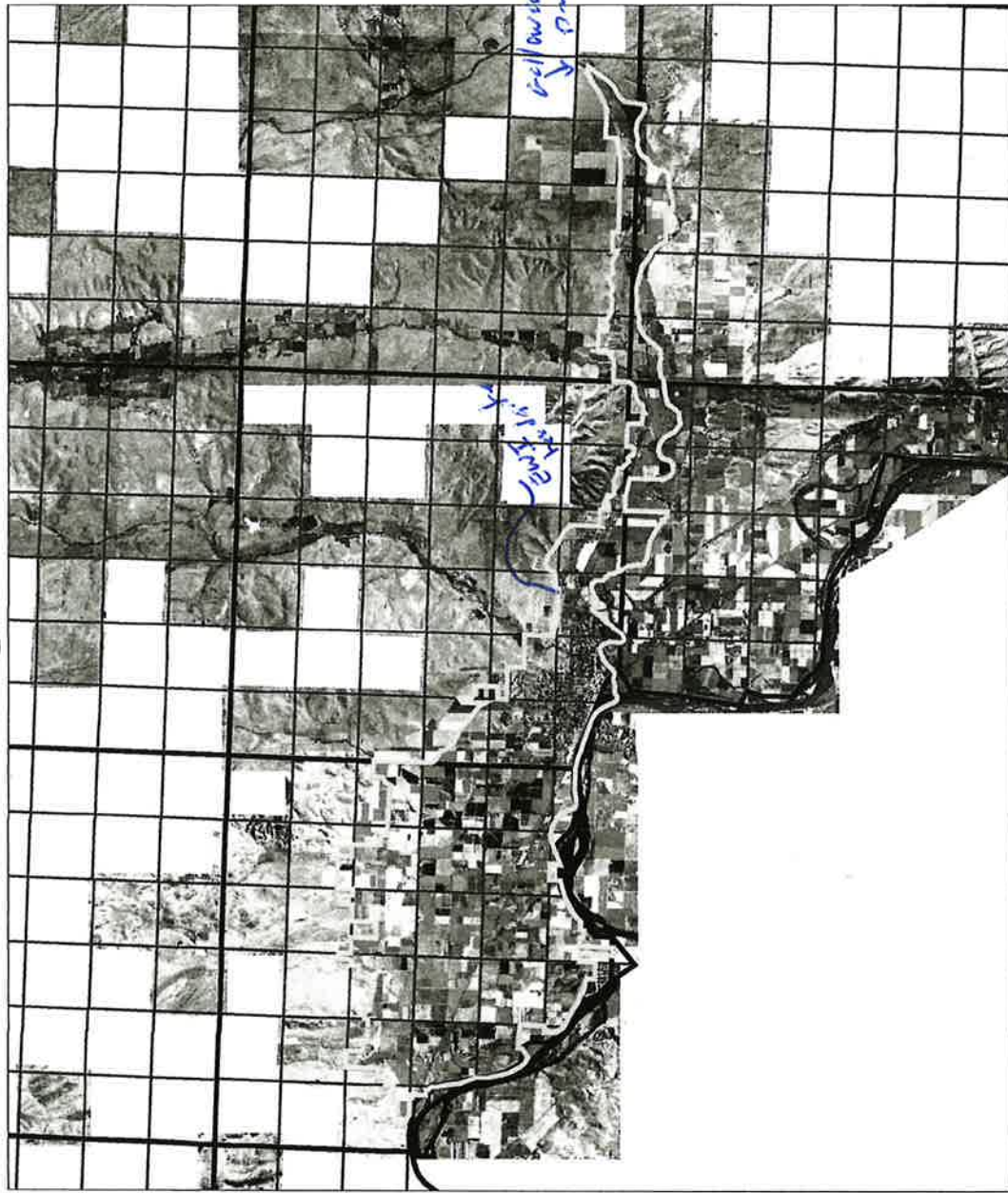


Legend

Weiserid.shp

-  Townships
-  Section Lines

Weiser Irrigation District



0 6 12 Miles



T10N R4,5,&6W
T11N R5,&6W

Prepared by D. Narsavage
On Tuesday, May 17, 2005
1987 Aerial Photography

84118



Brad Little
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Gary Spackman
Director

July 13, 2020

BILL YOUNGBLOOD
2038 WEISER RIVER RD
WEISER ID 83672

RE: Transfer No. 84118

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization 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>.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kensie Thorneycroft', is written over a light blue horizontal line.

Kensie Thorneycroft
Administrative Assistant 1

Enclosure(s)



Brad Little
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Gary Spackman
Director

July 13, 2020

EDWARD L POLLARD SR
2117 WEISER RIVER RD
WEISER ID 83672

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Sincerely,

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Kensie Thorneycroft
Administrative Assistant 1

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 13, 2020

SMITH LAND & LIVESTOCK
2039 WEISER RIVER RD
WEISER ID 83672

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Sincerely,

Kensie Thorneycroft
Administrative Assistant 1

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 13, 2020

WEISER IRRIGATION DISTRICT
128 E MAIN ST
WEISER, ID 83672

RE: Transfer No. 84118

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Sincerely,

Kensie Thorneycroft
Administrative Assistant 1

Enclosure(s)



Brad Little
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Gary Spackman
Director

July 13, 2020

EAST WEISER IRRIGATION DISTRICT
PO BOX 591
WEISER, ID 83672

**RE: Transfer No. 84118
Water Right No(s). 67-7**

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the WEISER SIGNAL on 7/16/2020 and 7/23/2020. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kensie Thorneycroft'.

Kensie Thorneycroft
Administrative Assistant

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Friday, July 10, 2020 11:32 AM
To: 'Sarah Imada'
Subject: Washington Legal Notice
Attachments: CoverLetter.docx; LegalNotice.docx

Follow Up Flag: Follow up
Flag Status: Completed

Good Morning Legal Clerk,

I am sending you the new legal notices, please send confirmation to my email.

Please see the attached ad for publication on 07/15/2020 and 07/22/2020.

Please confirm these are okay to publish as shown.

Kensie Thorneycroft
Administrative Assistant
IDWR Western Region
208-334-2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 13, 2020

LEGAL NOTICE DEPARTMENT
WEISER SIGNAL
PO BOX 709
WEISER, ID 83672

RE: Transfer No. 84118
Water Right No(s). 67-7

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 8/3/2020. Your cooperation is appreciated.

Sincerely,

Kensie Thorneycroft
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84118**

EAST WEISER IRRIGATION DISTRICT, PO BOX 831, WEISER, ID 83672 has filed Application No. 84118 for changes to the following water rights within WASHINGTON County(s): Right No(s). 67-7; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: The purpose of the transfer is to move the point of diversion from the NWSW, Sec 1, Twp 10N, Rge 5W, to the Galloway Dam NENE Sec 35, 11N, 4W, B.M., Washington County. East Weiser Irrigation District will deliver 4.00 cfs to the East Weiser headgate (Mill Ditch) through the Galloway Canal per the 1999 agreement. Water will be used within the East Weiser Irrigation District service boundary.

For additional information concerning the property location, contact Western Region office at (208)334-2190. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 8/3/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/16/2020 and 7/23/2020

MAY 29 2020

WATER RESOURCES
WESTERN REGIONEAST WEISER IRRIGATION DISTRICT
P.O. BOX 831
WEISER, IDAHO 83672

May 20, 2020

Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re Water right 67-00007 and 67-10968

Dear Sirs:

Water right 67-00007 was the original Muir vs Allison decree for Weiser City Water Ditch and Irrigation Company using the Mill Ditch. East Weiser Irrigation District became an entity in 1914 to deliver irrigation water to the "CITY" portion of decree. In 1931 the Weiser City Ditch re-organized. Shares were issued in the Mill Ditch with East Weiser Irrigation District having shares.

In 1999 East Weiser Irrigation District and the Weiser Irrigation District entered into an agreement to deliver 200 inches of 67-00007 through the Galloway Canal to the East Weiser headgate. (See attached agreement) rather than through the Mill Ditch. This application is for such purposes.

In 2000 the remainder of land under the Mill Ditch was annexed into the Weiser Irrigation District (see attached order). As part of the annexation, Weiser Irrigation District received the remainder 250 inches of 67-00007 and all of 67-10968 to serve the farm land under the Mill Ditch.

During the adjudication, I worked with Danielle Favreau on these rights and it was decided at that time to finish up the decree having both East Weiser And Weiser City Ditch be the owners and to fix it at a later date. This application is to move 200 miners inches to the Galloway Dam for delivery to the East Weiser Irrigation District headgate.

Can we just add Weiser Irrigation District to the owner ship for both rights that delivers water through the Mill Ditch?

Sincerely yours;

Jay Edwards
Sec.

208-550-2034

Enc.

cc: Weiser Irrigation District