

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 08 2020

RECEIVED

APR 17 2020

WATER RESOURCES
WESTERN REGION

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

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

1. APPLICANT(S) City of Weiser Phone 208-414-19652. MAILING ADDRESS 55 W Idaho St. City WeiserState ID Zip 83672 Email cmchugh@mchughbromley.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) 3-7034, 3-10198 and 3-10264

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

4. TOTAL AMOUNT OF WATER transferred is 4.36 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 www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y	2	SW	SW		17	10N	05W	Washington	Snake River	
N	4	NW	NW		17	10N	05W	Washington	Snake River	
N	1	SE	SE		17	10N	05W	Washington	Snake River	
		NE	NE		20					

Same 6/4/2020

McHUGH BROMLEY
ATTORNEYS AT LAW, PLLC

cmchugh@mchughbromley.com
208-287-0991

RECEIVED

JUN 08 2020

WATER RESOURCES
WESTERN REGION

380 S. 4th St., Ste. 103
Boise, ID 83702

June 4, 2020

Idaho Department of Water Resources
Allen Bradbury
Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: Application for Transfer 84011 – City of Weiser

Dear Allen:

Enclosed please a corrected transfer and map in accordance with your request.

I appreciate your attention to this matter; please call or email me with any questions.

Very Truly Yours,



Candice M. McHugh

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 17 2020

WATER RESOURCES
WESTERN REGION

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

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

1. **APPLICANT(S)** City of Weiser Phone 208-414-1965

2. **MAILING ADDRESS** 55 W Idaho St. City Weiser
State ID Zip 83672 Email cmchugh@mchughbromley.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)** 3-7034, 3-10198 and 3-10264

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

4. **TOTAL AMOUNT OF WATER** transferred is 4.36 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 www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y	2	SW	SW		17	10N	05W	Washington	Snake River	
N		NW	NW		17	10N	05W	Washington	Snake River	
N		SE	SE		17	10N	05W	Washington	Snake River	

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:

Due to a change in the Snake River meander lines and the location of the prior point of diversion, it is more feasible to add an additional point of diversion slightly up river from the old point of diversion.

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

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:

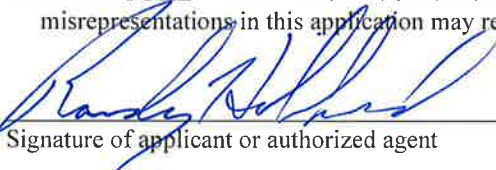
However, there is an approved extension of time to avoid forfeiture on file with IDWR.

- 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 $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

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

Randy Hlibberd, Mayor
Print name and title if applicable

3-17-20
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is 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 VT

Date 4/17/2020

Fee paid \$410.00 Date 4/17/2020

Received by VT

Receipt # W048209

Preliminary review by AB

Date 6/9/20

Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☐

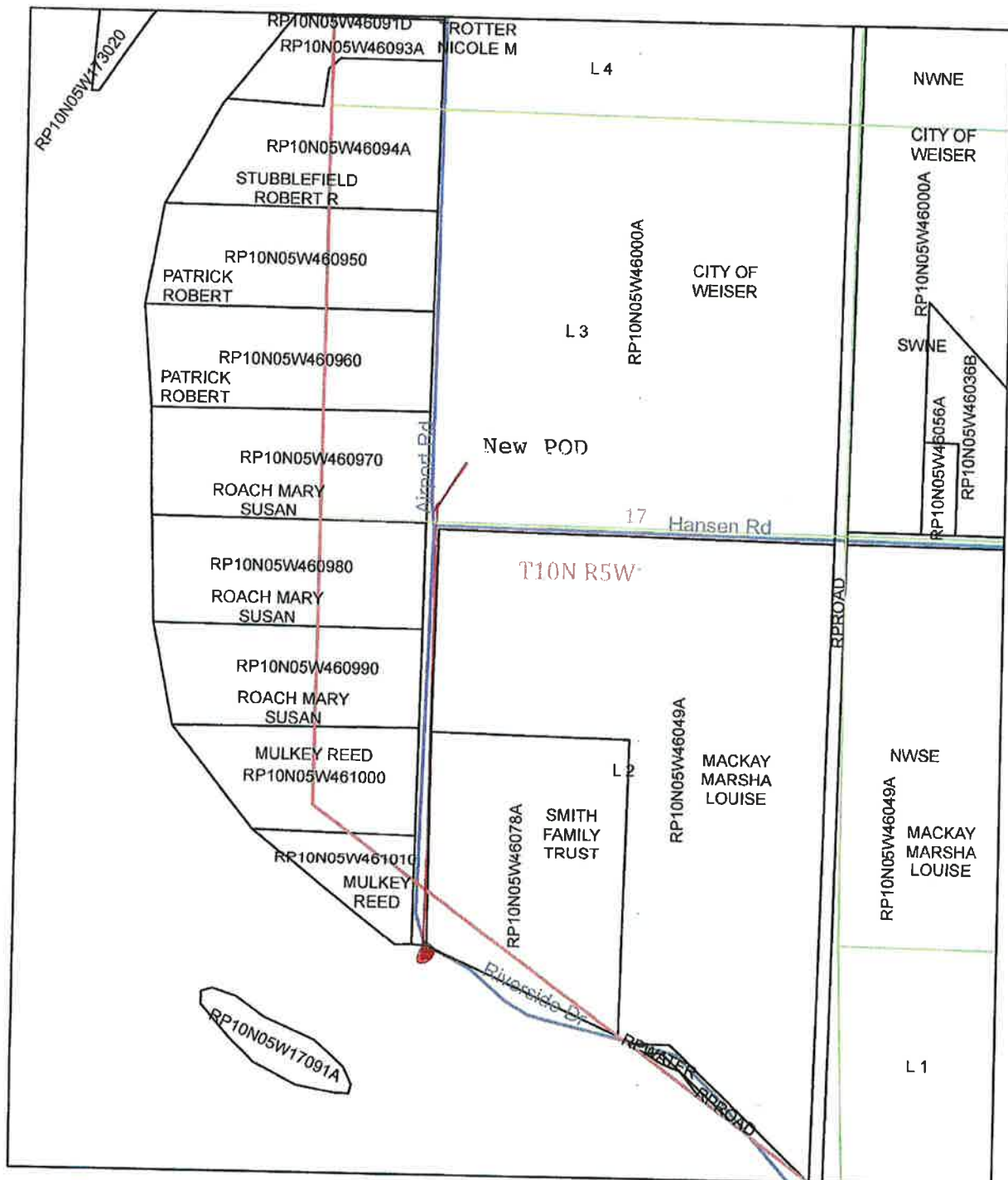
Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)



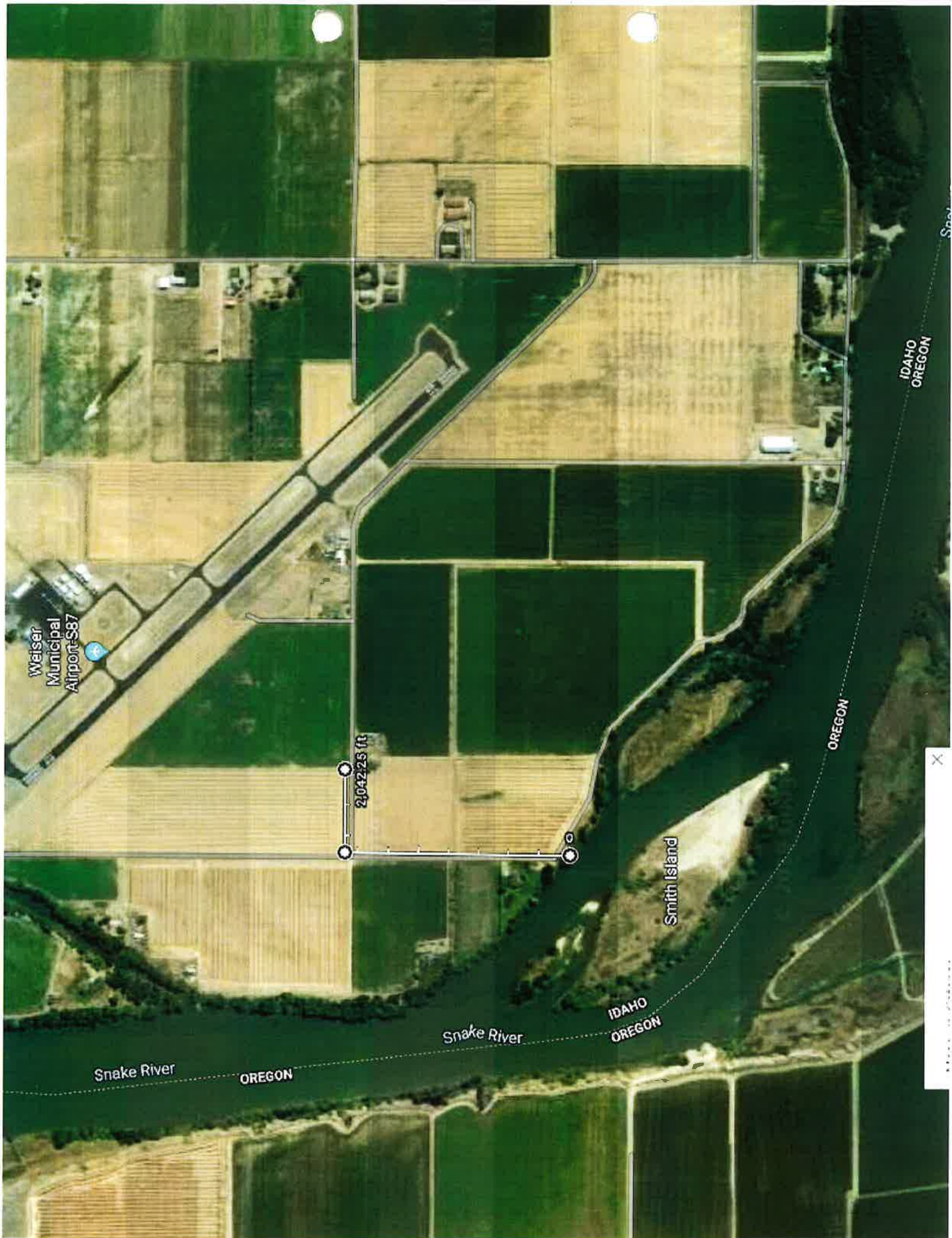
THIS MAP CREATED BY THE OFFICE OF THE
WASHINGTON COUNTY ASSESSOR



1 inch = 0.1 miles

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
	Parcel Lines
	Parcel Number
	Owner
	Streets



Weiser
Municipal
Airport S87

Snake River

OREGON

2,042.25 ft

Snake River

IDAHO
OREGON

Smith Island

OREGON

IDAHO
OREGON

4/17/2020

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF WEISER 55 W IDAHO ST WEISER, ID 83672 (208) 414-1965

Status: Active

Tributary
COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.380 CFS	85.5 AF
	Total Diversion		0.380 CFS	85.5 AF

SNAKE RIVER NWNW Sec. 17, Twp 10N, Rge 05W, WASHINGTON County

IRRIGATION within WASHINGTON 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
10N	05W	17		5.0	14.0														19.0

POU Total Acres: 19.0

1.	WB9	Water shall not be diverted under this right unless the flow of the Snake River at the U.S. Geological stream gaging station at Weiser exceeds 4,750 cfs.
2.	E55	Right Nos. 3-7034 and 67-4016 are limited to the irrigation of a combined total of 19 acres in a single irrigation season.
3.	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.
4.	E53	Right Nos. 3-7034 and 67-4016 are limited to a total combined annual diversion volume of 85.5 AF.
5.	S47	The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
6.		Right Nos. 3-7034 and 3-10198 are limited to a total combined diversion rate of 1.30 cfs and to a total combined annual diversion volume of 432.0 AF from the point of diversion in T10N, R05W, S17, NWNW.
7.	F17	The point of diversion for this water right is unsurveyed accretion land. The quarter-quarter description has been protracted from the adjacent public land survey.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/17/2020

8. F05 Right No. 3-10198 is also diverted through point of diversion described above.

Comments:

1. cfritsch 12/8/2009 Revised Recommendation
Recommendation revised as a result of amended claim 3-10198.

Dates and Other Information

Decreed Date: 9/29/2010
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: NWD
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

SubCaseNumber: 3-7034
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed:
Objection Status:

Water Supply Bank:

N/A

4/17/2020

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF WEISER 55 W IDAHO ST WEISER, ID 83672 (208) 414-1965

Status: Active

Tributary
COLUMBIA RIVER

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
03/01	11/15	3.760 CFS
Total Diversion		3.760 CFS

SNAKE RIVER
SNAKE RIVER

L1(NENE)

Sec. 17, Twp 10N, Rge 05W, WASHINGTON County
Sec. 20, Twp 10N, Rge 05W, WASHINGTON County

IRRIGATION within WASHINGTON 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
10N	05W	17		35.0	24.0	6.0	41.0 L4			41.0 L3					38.0	2.0		1.0	188.0

POU Total Acres: 188.0

1.		This right is a split from former right 3-2001A.
2.	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.
3.		Right No. 3-7034 is also diverted through point of diversion in T10N, R05W, S17, NENW.
4.		Right Nos. 3-10199 and 3-10264 are also diverted through point of diversion in T10N, R05W, S20, Lot 1, NENE.
5.		Right Nos. 3-7034 and 3-10198 are limited to a total combined diversion rate of 1.30 cfs and to a total combined annual diversion volume of 432.0 AF from the point of diversion in T10N, R05W, S17, NWNW.
6.	F17	The point of diversion in T10N, R05W, S17, NWNW is unsurveyed accretion land. The quarter-quarter description has been protracted from the adjacent public land survey.

Page 3 of 6

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IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/17/2020

1. cfrisch 12/8/2009 Revision
Recommendation revised to reflect amended claim.

Dates and Other Information

Decreed Date: 9/29/2010
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: NWD
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

SubCaseNumber: 3-10198
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed:
Objection Status:

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/17/2020

Water Right 3-10264

Owner Type **Name and Address**
Current Owner CITY OF WEISER
55 W IDAHO ST
WEISER, ID 83672
(208) 414-1965

Priority Date: 1/15/1907

Basis: Decreed

Status: Active

Source **Tributary**
SNAKE RIVER COLUMBIA RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/01	11/15	0.220 CFS	
	Total Diversion		0.220 CFS	

Source and Point(s) of Diversion

SNAKE RIVER L1(NENE) Sec. 20, Twp 10N, Rge 05W, WASHINGTON County

Place Of Use

IRRIGATION within WASHINGTON 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	
10N	05W	17																11.0	11.0

POU Total Acres: 11.0

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. This right is a split from former right 3-2001A.
3. Right Nos. 3-10198 and 3-10199 are also diverted through point of diversion described above.

Comments:

1. cfritsch 12/8/2009 New Record
Created to describe portion of right no. 3-10198 that was decreed to the City of Weiser for lands not owned by the City of Weiser.

Dates and Other Information

Decreed Date: 9/29/2010

Civil Case Number: 39576

Judicial District: FIFTH

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/17/2020

Water District Number: NWD
Mitigation Plan: False

Combined Use Limits
N/A

SubCase:
N/A

Water Supply Bank:
N/A



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

June 10, 2020

CITY OF WEISER
55 W IDAHO ST
WEISER, ID 83672

**RE: Transfer No. 84011
Water Right No(s). 3-10198, 3-10264, 3-7034**

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 UPPER COUNTRY NEWS REPORTER, WEISER SIGNAL on 6/18/2020 and 6/25/2020. 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,

Kensie Thorneycroft
Administrative Assistant

CC:
MCHUGH BROMLEY PLLC

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Wednesday, June 10, 2020 6:14 PM
To: 'idahofiddler@yahoo.com'
Subject: Washington Legal Notice
Attachments: CoverLetter.docx; Legal Notice.docx

Good Evening Legal Clerk,

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

Please see the attached ad for publication on 06/18/2020 and 06/25/2020.

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

June 10, 2020

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

RE: Transfer No. 84011
Water Right No(s). 3-10198, 3-10264, 3-7034

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 7/6/2020. Your cooperation is appreciated.

Sincerely,

Kensie Thorneycroft
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84011**

CITY OF WEISER, 55 W IDAHO ST, WEISER, ID 83672 has filed **Application No. 84011** for changes to the following water rights within WASHINGTON County(s): Right No(s). 3-10198, 3-10264, 3-7034; 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: This transfer proposes to add a point of diversion for water rights 3-7034, 3-10198, and 3-10264 which currently irrigate 19, 188, and 11 acre places-of-use respectively from the Snake River. The additional point of diversion will be approximately $\frac{3}{4}$ of a mile up river from the current point of diversion for the City of Weiser. Water will be used at the current place of use approximately 2.5 miles south of Weiser, Idaho in Washington County near the intersection of Hansen and Airport Road.

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 7/6/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/18/2020 and 6/25/2020

MEMORANDUM

Date: June 9, 2020
To: Transfer 84011
From: Allen Bradbury
Re: Legal Notice Remarks

This transfer proposes to add a point of diversion for water rights 3-7034, 3-10198, and 3-10264 which currently irrigate 19, 188, and 11 acre places-of-use respectively from the Snake River. The additional point of diversion will be approximately $\frac{3}{4}$ of a mile up river from the current point of diversion for the City of Weiser. Water will be used at the current place of use approximately 2.5 miles south of Weiser, Idaho in Washington County near the intersection of Hansen and Airport Road.

Bradbury, Allen

From: Bradbury, Allen
Sent: Friday, May 08, 2020 12:46 PM
To: 'mike.campbell@cityofweiser.com'; 'cmchugh@mchughbromley.com'
Subject: Water Right Transfer 84011 City of Weiser
Attachments: CityofWeiser_Appl.pdf; Deficient Application info request_CITY OF WEISER.docx

Hi Mike,

As we discussed yesterday, please review the attached copy of the City of Weiser's transfer. Department staff are not allowed to make changes, therefore I would like to suggest the following changes to ensure that the application accurately describes the cities project. Please address the following items:

Item 5. Point of Diversion:

- The ¼ ¼ description of your points of diversion (POD) are different from the map provided. Please provide the correct legal locations for the 40 acre tracts in the POD table on the transfer application.
- New POD: Lot 2 SWSW Sec. 17, Twp 10N, Rge 05W
This one is okay since it is unsurveyed land along the Snake River and the QQ description has been protracted from the adjacent public land survey.
- Existing POD for 3-7034, 3-10198: NWNW Sec. 17, Twp 10N, Rge 05W
This one matches the description on the existing water right legal, however it should probably read: Lot 4 NWNW Sec. 17, Twp 10N, Rge 05W
- Existing POD for 3-10264 & 3-10198: SESE Sec. 17, Twp 10N, Rge 05W
This POD appears to be the same as for water rights 3-10264 & 3-10198 and should be copied from existing water rights which show:
Lot 1 NENE Sec. 20, Twp 10N, Rge 05W

Enclosed is a copy of your original application for you to amend. Changes to your application should be made by writing in the new values, and adding the date and your initials next to the changes. Also attached is the official deficient application letter.

Please call or email, if you have any further questions.

Regards,

Allen Bradbury

Water Resource Agent, Sr.
IDWR-Western
(208) 334-2190

CC: Candice McHugh