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OCT 30 2019

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. **83727****MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER**WITHDRAWN**

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) JOHN MEYER AND DEBRA MEYERCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer. **SUPPORT DATA**Yes ☐ N/A ☐ * Means the item is always required and must be included with the application. **IN FILE # 63-31495**

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Other. Please describe: Water right contract and master plan

83727

Page 1 of Transfer No. _____

SCANNED

MAY 27 2020

Lot 9

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OCT 30 2015

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) John Meyer and Debra MeyerPhone 208-867-5620Mailing address 1331 W. Applecreek Ct., Eagle, ID 83616Email JOHN.MEYER@SILVERCREEKPRESS.COM

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it Attachment #1.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it Attachment #2a.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it Attachment #2b.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it Attachment #3.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative TICKER JOHNSONPhone 866-1355Mailing address 372 S. Eagle Rd Ste 378 Eagle ID 83616 Email tjc@daylineid.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it Attachment #4.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original rights. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentation made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative

JOHN L. MEYER
Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Debra J. Meyer
Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other split water right
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e., number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A2.

Split the water right and add a separate private well to applicant's portion aka Lot 9, Block 1, Applecreek Subdivision.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	63-31495	*0.056875 cfs	Irrigation	3/15 to 11/15	Ground Water
☐ ☐		*15.75 ac-ft		to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.65 cfs and/or 180.0 acre-feet. *per water right contract (Attachment 9)

2. Total amount of water proposed to be transferred or changed 0.05687 cubic feet per second and/or 15.75 acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
yes			NW	NW	32	5N	1E	Ada	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	1E	32						5.016											5.016
Total Acres (for irrigation use)																			5.016

*3.5 acres within a 5.016-acre permissible place of use

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. 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:

Well, pump, pressurized irrigation system.

Measuring device and controlling works will be accommodated upon Department request.

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Applicant purchased Lot 9, Block 1, Applecreek Subdivision, which is within the water right's 60-acre ppu. A water right contract and master plan, included as Attachment 9, describes the portion of the 40 authorized acres agreed to be appurtenant to applicant's property at time of purchase.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

None

- f. 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 leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

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

Current Water Right No.: 63-31495

Current Owner: TUCKER M JOHNSON
DENISE R JOHNSON

Priority Date: 9/29/1978

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.65 CFS	180 AF
	<u>Total Diversion</u>	0.65 CFS	180 AF

Location of Point(s) of Diversion

GROUND WATER

ADA County

NE1/4NW1/4 Sec. 32, Twp 05N, Rge 01E B.M.

Place of Use

IRRIGATION Within ADA County

T05N R01E S32	NENW	20.00	T05N R01E S32	NWNW	40.00
Total Acres: 60					

Conditions of Approval:

1. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 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.
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. X27 This right is limited to the irrigation of 40.0 acres within the place of use described above in a single irrigation season.
4. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. 11E The Director retains jurisdiction of this right to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such stream flow augmentation or other action will be required only upon a determination of need and applicability by the Director.
8. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
9. T07 The right holder shall accomplish the change authorized by Transfer 69920 within one (1) year of the date of the approval..
10. This right is a split from former right 63-9179C.

Decreed Date: 1/14/2009

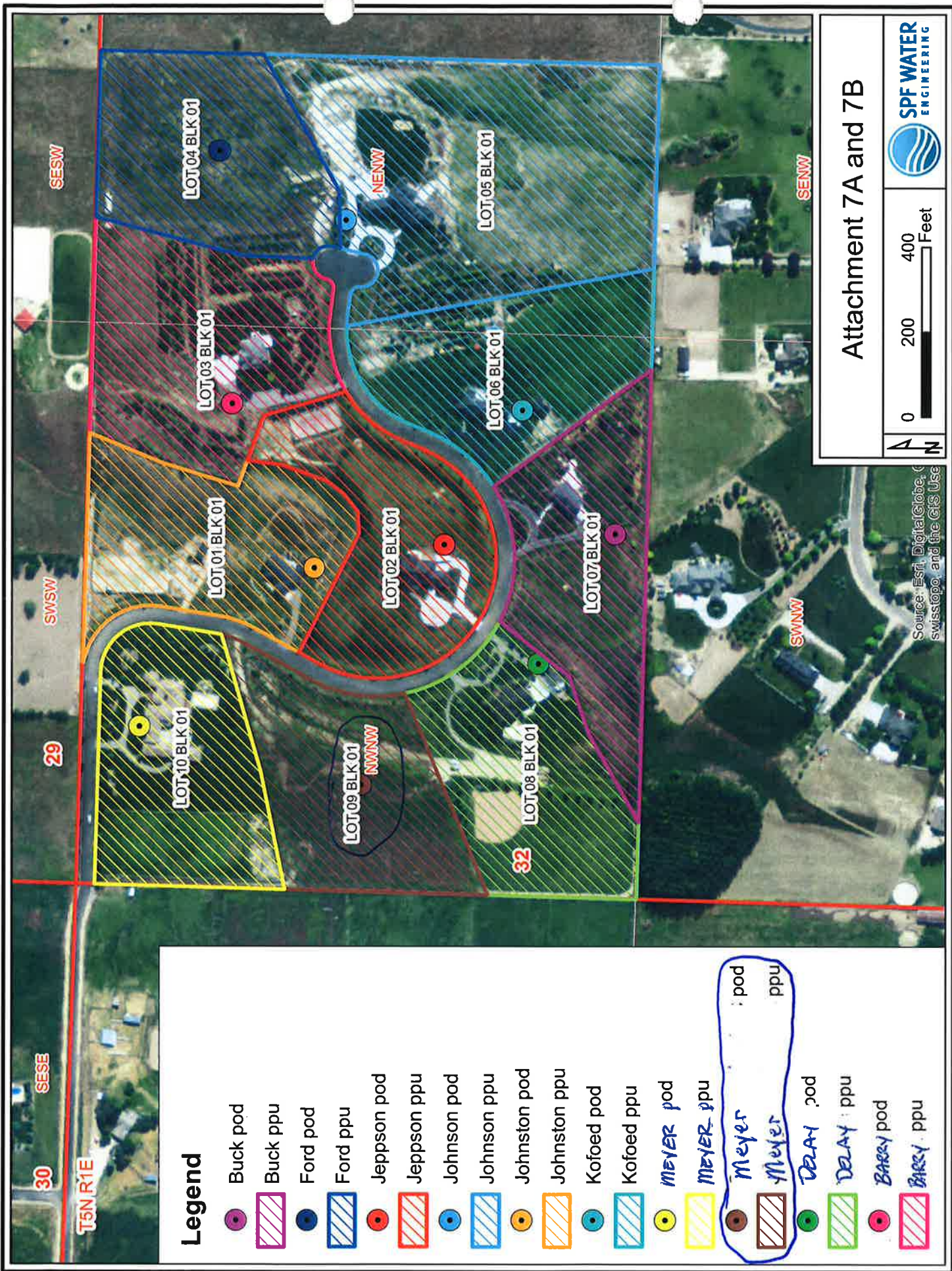
A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ### B. CHANGES IN NATURE OF USE (Water Balance)

- ### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

-
- This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page or a sheet of stationery.

83727



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MAY 13 2020

WATER RESOURCES
WESTERN REGION

**WITHDRAWAL
OF
APPLICATION FOR TRANSFER OF WATER RIGHT(S)**

I/We, JOHN MEYER and DEBRA MEYER
(Applicant's Printed Name) (Applicant's Printed Name)

_____, and _____,
(Applicant's Printed Name) (Applicant's Printed Name)

hereby withdraw our Application for Transfer No. 83727 of Water Right

No(s). 63-34823

Signed this 13 day of MAY, 20 20.

[Signature]
(Signature/Title of Applicant)

[Signature]
(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)

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MAY 12 2020

WATER RESOURCES
WESTERN REGION

**WITHDRAWAL
OF
APPLICATION FOR TRANSFER OF WATER RIGHT(S)**

I/We, JOHN MEYER and Debra Meyer
(Applicant's Printed Name) (Applicant's Printed Name)

_____, and _____,
(Applicant's Printed Name) (Applicant's Printed Name)

hereby withdraw our Application for Transfer No. 83755 of Water Right

No(s). 63-31495

Signed this 11 day of May, 20 20

John Meyer
(Signature/Title of Applicant)

Debra Meyer
(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 21, 2020

JOHN AND DEBRA MEYER
PO BOX 993
EAGLE ID 83616

Re: Withdrawal of Application for Transfer No: 83727

Dear Applicants:

The Department has received your recent withdrawal of the above referenced application. For your convenience a copy of the withdrawal and application are enclosed.

Please feel free to contact our office at 208-334-2190 if you have additional questions in this matter. Also, more information about water rights and other matters administered by this agency is available on the Internet at www.idwr.idaho.gov.

Sincerely,

Kensie Thorneycroft
Administrative Assistant
Western Regional Office

Enclosures

CC
TUCKER JOHNSON



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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

Brad Little
Governor

GARY SPACKMAN
Director

April 29, 2020

JOHN AND DEBRA MEYER
P.O. BOX 993
EAGLE, ID 83616

COF 7

Re: Application for Transfer No. 83755

Dear Applicant:

The Idaho Department of Water Resources (IDWR) is currently reviewing the above referenced application for transfer to change a water right(s). After initial review of the application, IDWR sent you a letter on November 19, 2019 regarding concerns over validity of the right. On November 27, 2019 you submitted a defense to forfeiture stating that the land has been neglected for a number of years and access to a new Point of Diversion (POD) is needed to resume use. I am contacting you today to notify you that the transfer application would likely be denied if processed as filed due to forfeiture concerns.

Forfeiture is a concern because using remote sensing technologies, the Department has concluded that beneficial use of the rights being transferred have not occurred for a period of 5 or more consecutive years. If the right cannot be put to beneficial use from the original POD, changing the point of diversion to a more available source poses a risk of enlargement of the right. Enlargement will occur if the total diversion rate, volume, or extent of beneficial use exceeds the amounts or beneficial use authorized under the water rights prior to the proposed transfer. This action includes changing a point of diversion to a new location where the water available is greater or more reliable.

You may wish to withdraw your application and resume the use at the original POD in order to avoid potential forfeiture of the right. IDWR will hold further processing of your application to allow a withdrawal or any other information you may wish to submit in support of your existing proposal.

Please submit the withdrawal form or additional information towards defense for application processing to continue. You may seek additional time to provide the information. Your written must be received within the next thirty (30) days.

Without a timely reply, IDWR will issue a preliminary order to deny the application. The application fee will not be refunded for a denied application. A denied application cannot generally be re-filed for substantially the same proposal.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Tyler Smith
Water Resource Agent
Western Region

Enclosure: Withdrawal form

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T OF WATER RESOURCES

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Requested

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APR 20 2020

WATER RESOURCES
WESTERN REGION

JOHN AND DEBRA MEYER
1391 W APPLECREEK CT
EAGLE, ID 83616

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 14, 2020

JOHN AND DEBRA MEYER
1391 W APPLECREEK CT
EAGLE, ID 83616

COPY

Re: Application for Transfer No. 83755

Dear Applicant:

The Idaho Department of Water Resources (IDWR) is currently reviewing the above referenced application for transfer to change a water right(s). After initial review of the application, IDWR sent you a letter on November 19, 2019 regarding concerns over validity of the right. On November 27, 2019 you submitted a defense to forfeiture stating that the land has been neglected for a number of years and access to a new Point of Diversion (POD) is needed to resume use. I am contacting you today to notify you that the transfer application would likely be denied if processed as filed due to forfeiture concerns.

Forfeiture is a concern because using remote sensing technologies, the Department has concluded that beneficial use of the rights being transferred have not occurred for a period of 5 or more consecutive years. If the right cannot be put to beneficial use from the original POD, changing the point of diversion to a more available source poses a risk of enlargement of the right. Enlargement will occur if the total diversion rate, volume, or extent of beneficial use exceeds the amounts or beneficial use authorized under the water rights prior to the proposed transfer. This action includes changing a point of diversion to a new location where the water available is greater or more reliable.

You may wish to withdraw your application and resume the use at the original POD in order to avoid potential forfeiture of the right. IDWR will hold further processing of your application to allow a withdrawal or any other information you may wish to submit in support of your existing proposal.

Please submit the withdrawal form or additional information towards defense for application processing to continue. You may seek additional time to provide the information. Your written must be received within the next thirty (30) days.

Without a timely reply, IDWR will issue a preliminary order to deny the application. The application fee will not be refunded for a denied application. A denied application cannot generally be re-filed for substantially the same proposal.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Tyler Smith
Water Resource Agent
Western Region
Enclosure: Withdrawal form

MEMORANDUM

TO: Transfer no. 83727 file
FROM: Cody Parker
RE: Evaluation of the sufficiency of submitted information
DATE: December 2, 2019

Transfer application 83727 was submitted October 30, 2019 and proposed to add a point of diversion for a split portion of water right 63-31495. The right was split prior to transfer processing. The applicants' split portion is now numbered 63-34823. The proposed changes will be applied to the new split portion. The applicant was not required to amend the application.

The application indicates that the purpose of the transfer is to add a point of diversion. However, the information in the table in item B.3 describes only the new point of diversion, which appears to be an existing well on the property. I have taken this to mean that the applicants intend to change the point of diversion rather than add a second point. The wording and information on this application appears to have been copied from transfer application 83205. We interpreted 83205 as change the point of diversion. 83205 was approved on June 12, 2019; no petitions to clarify the intent were received.

Summary of Submitted Information

Authority to File:

The applicants are listed as John and Debra Meyer. The ownership change processed prior to transfer processing determined that the owners of the land are the same. Both owners signed the application. The applicants have the authority to file.

Water Right Validity:

The parent right, 63-31495, was decreed in 2009. The split portion of the right authorizes 3.5 acres of irrigation. It is unclear from the available aerial imagery when exactly the property was irrigated last, though it has certainly not been irrigated during the previous consecutive five-year period. I wrote a letter to the applicants on November 19, 2019 requesting information regarding the potential forfeiture of the water right. The applicants responded with a letter which was received on November 27, 2019. In the letter, the applicants explain they wish to resume use of the water right by planting grapes, fruit trees, and a garden. They have so far been unable to resume use because they do not own or have access to the original point of diversion which is located on Lot 5, Block 1 of the Applecreek Subdivision. The applicants could only resume use of the right following approval of the transfer and subsequent drilling of the requested well. The non-use of the right appears to have resulted from circumstances over which the water right owner has no control, which is one of the exceptions to forfeiture outlined in 42-223 *Idaho Code*. Therefore, though the right has not been used during the previous consecutive five-year period the applicant has provided evidence of an exception to forfeiture which is outlined in the Statute, thus the right is presumed valid.

Injury to Other Water Rights:

The well driller's report for the decreed point of diversion shows a water bearing zone of 332 to 342 ft below ground surface. However, the hole is only sealed the first 20 ft below the surface. Though there is

an eight-inch casing in an eight-inch hole from 20 ft to 332 ft below ground surface, there is the possibility that the minimal space around the casing allows water from above to infiltrate into the well below.

The priority date for the right pre-dates concerns regarding the appropriation of shallow groundwater tributary to the Boise River. The decreed point of diversion construction shows that the right may have historically used water tributary to the Boise River. Therefore the new well may be constructed to any depth including those <200 ft below ground surface without concern of injury to the fully appropriated reach of the Boise River.

Diversions from the new well will be accompanied by reduction in authorized diversion from the original point of diversion. There are several other wells in the same quarter-quarter. However, diversion from the new well for irrigation purposes under the transferred right will be limited to 0.06 cfs. No injury is anticipated to surrounding wells.

Enlargement of Use:

The transfer does not propose any change to the diversion rate or volume, the number of irrigated acres, nor any unsubordinated change to the season of use. No enlargement is anticipated.

Local Public Interest:

None of the available information suggests conflict with the local public interest.

Beneficial Use/Conservation of Water Resources:

The application proposed beneficial use consistent with the conservation of water resources in Idaho.

The application is consistent with criteria of I.C. § 42-222 and should be processed.

State of Idaho

Department of Water Resources

2735 Airport Way

Boise, Idaho 83705-5082

Attn: Cody Parker

RECEIVED 11/25/19

NOV 27 2019

WATER RESOURCES
WESTERN REGION

Dear Cody- Per the attached letter you sent me and a recent follow-up phone call, please find my request and explanation for granting me permission to transfer water rights and put in a new well on the property I own at 1391 W. Applecreek Ct., Eagle, Idaho 83616 (Lot 9, Block 1, Applecreek Sub).

It is true that there has been no irrigation on the property dating back to 2014, and probably further back than that. I own the lot on Homer Rd. with a house on it next to 1391 W. Applecreek Ct. and I am desiring to develop the Applecreek lot by planting grapevines, fruit trees, put in a very large garden, build a barn on the property, and house some animals. Due to circumstances out of my control I do not own or have access, or hope to have any future ownership or access, to the well that has been associated with the property in the past which is located on Lot 5, Block 1 of our Sub. In addition, my current well, located on the lot I own on Homer Rd. is not capable of supporting both lots and their water needs.

Therefore, I am requesting you approve the water rights transfer and my request to be able to put in a new well for irrigation purposes.

Please do not hesitate to call me if you have any questions.

Thanks- John Meyer / Cell # 208-867-5620 / john.meyer@silvercreekpress.com

Mail all correspondence to: P.O. Box 993, Eagle, ID. 83616

Properties I own in question: 1555 W. Homer Rd. / 1391 W. Applecreek Ct. / Applecreek Sub./ Eagle, ID. 83616



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

November 19, 2019

JOHN AND DEBRA MEYER
1391 W APPLECREEK CT
EAGLE ID 83616

RE: Application for transfer no 83727 (Lot 9, Block 1, Applecreek Sub)

Dear Applicants,

The Idaho Dept. of Water Resources (IDWR) received your application proposing to add a point of diversion to your water right on October 30, 2019. IDWR is currently reviewing your application.

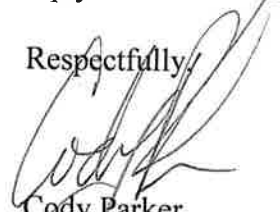
As part of its review, IDWR must evaluate if the right to be changed is valid (i.e. if the full right has been used during the previous consecutive five-year period). The right you propose to change (now numbered 63-34823) authorizes 3.5 acres of irrigation. However, aerial imagery dating back to 2014 seems to show that none of the land authorized by the right has been irrigated.

Your options for your application are as follows:

- 1) Describe in writing any attempts you have made to resume irrigation of the property during the previous consecutive five-year period.
- 2) Provide an argument for an exception to forfeiture as outlined in 42-223 *Idaho Code* (enclosed)
- 3) Withdraw your application and request a refund.

Please let me know if you have any questions. I look forward to your reply within thirty (30) days of the date of this letter. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be rejected without a timely written reply. Refunds are not issued for rejected applications.

Respectfully,


Cody Parker
Water Resource Agent
IDWR Western Region
208-334-2190

Enclosure