

RECEIVED

JAN 16 2019

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82961

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WITHDRAWN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 idwr.idaho.gov.

Name of Applicant(s) Jon Carter and/or Tera Rose-CarterCheck whether each item below is **attached** (Yes) or **not applicable** (N/A) for the proposed transfer. **transfer DATA**Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1. **FILE # 63-32330**
- ☒ * 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 #1-10.

- ☐ ☒ #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 idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #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. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #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 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

SCANNED

MAY 27 2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Jon Carter And/Or Tera Rose Carter Phone 208-965-9552
Mailing address 14284 Lewis Ln. Nampa, ID 83686 Email joncarterwork@yahoo.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 Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ 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 right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Print Name and Title if applicable

1-16-19
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.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 1A.3**.

I want to change the POD to show ONLY a well located on my property. I am claiming a 20-acre portion of right 63-32330. I want to consolidate the water to 17.8 acres.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 21 2019

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Jon Carter And/Or Tera Rose CarterPhone 208-965-9552Mailing address 14284 Lewis Ln. Nampa, ID 83686Email joncarterwork@yahoo.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 Representative

Name of Representative _____

Phone _____

Mailing address _____

Email _____

- ☐ 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 right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.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 1A.3**.

I want to change the POD to show ONLY a well located on my property. I am claiming a 20-acre portion of right 63-32330. I want to consolidate the water to 17.8 acres.

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.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part <input type="checkbox"/> <input type="checkbox"/>	63-32330	0.16 cfs	Irrigation	03/15 to 11/15	Ground Water
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	

Total authorized under rights 0.16 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.16 cubic feet per second and/or _____ acre-feet per year.

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			SW	SE	10	02N	03W	Canyon	Groundwater	D0071704

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	
02N	03W	10															8.4	9.4	17.8
Total Acres (for irrigation use)																			17.8

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:

Diversion system is in place, same as 63-34121. 12" irrigation well with submersible pump. Mainline to wheel lines, drip irrigation, and pop up sprinklers. Measurement will be accomodated as required.

- 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. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

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

- f. 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:

63-34121 diversion from the same well for 7.5 of these same acres.

- g. 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:

The applicants are claiming their portion of the water right (63-32330). The applicants do not have access to any of the original wells, nor were they responsible for constructing any of the unplatable areas. Therefore, any non-use that has occurred has resulted from circumstances out of the applicants control.

3/5/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TARA ROSE-CARTER 14284 LEWIS LN NAMPA, ID 83686-9114 (208) 965-9552

Status: Active

GROUND WATER

Volume
39.8 AF

39.8 AF

GROUND WATER	SESW	Sec. 14, Twp 02N, Rge 03W,	CANYON County
GROUND WATER	SENW	Sec. 10, Twp 02N, Rge 03W,	CANYON County
GROUND WATER	NWSW	Sec. 11, Twp 02N, Rge 03W,	CANYON County

IRRIGATION within CANYON 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
02N	03W	10															10.0		10.0

1.		This right is a split from former right 63-32055 .
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.	S39	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 or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

1. cparker 3/5/2019 Split Right
This right is the result of split from 63-32330.

Page 4 of 7

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/5/2019

Updated Shape

Dates and Other Information

Water District Number: TBD

Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/5/2019

Water Right 63-34688

Owner Type **Name and Address**
Current Owner JON CARTER
 14284 LEWIS LN
 NAMPA, ID 83686-9114
 (208) 965-9552

Current Owner TERA ROSE CARTER
 14284 LEWIS LN
 NAMPA, ID 83686-9114
 2 (08) 965-9552

Priority Date: 4/13/1967

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.080 CFS	39.8 AF
	<u>Total Diversion</u>		0.080 CFS	39.6 AF

Source and Point(s) of Diversion

GROUND WATER	SENW	Sec. 10, Twp 02N, Rge 03W,	CANYON County
GROUND WATER	NWSW	Sec. 11, Twp 02N, Rge 03W,	CANYON County
GROUND WATER	SESW	Sec. 14, Twp 02N, Rge 03W,	CANYON County

Place Of Use

IRRIGATION within CANYON 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	
02N	03W	10															0.4	9.6	10.0

POU Total Acres: 10.0

Conditions of Approval:

1. This right is a split from former right 63-32055 .
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. S39 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 or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/5/2019

Comments:

- | | | | |
|--|---------|----------|-------------|
| 1. | cparker | 3/5/2019 | Split Right |
| This right is the result of split from 63-32330. | | | |
| 2. | cparker | 3/5/2019 | POU |
| Updated Shape | | | |

Dates and Other Information

Owner Name Connector: AND/OR
Water District Number: TBD
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/11/2019

Water Right 63-32330

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RUBY C VICTOR 1528 ADDISON AVE E TWIN FALLS, ID 83301 (208) 733-1359
Current Owner	W NOLAN VICTOR 1528 ADDISON AVE E TWIN FALLS, ID 83301 (208) 733-1359
Current Owner	RODNEY KENT MONTIERTH 1528 ADDISON AVE E TWIN FALLS, ID 83301 (208) 733-5217
Current Owner	THE ESTATE OF GOLDA D MONTIERTH 825 HEARTLAND DR NAMPA, ID 83686 (208) 463-8163
Current Owner	EDWARD RAY MONTIERTH 825 HEARTLAND DR NAMPA, ID 83686 (208) 989-8310
Current Owner	SUSAN MONTIERTH 825 HEARTLAND DR NAMPA, ID 83686 (208) 989-8310
Current Owner	HERBERT R MONTIERTH JR 6312 S ZITHER AVE BOISE, ID 83709 (208) 407-2243
Current Owner	ROBERT J MEYERS 3921 N 3300 E TWIN FALLS, ID 83301 (208) 735-5321
Current Owner	KATHI L MEYERS 3921 N 3300 E TWIN FALLS, ID 83301 (208) 735-5321

Priority Date: 4/13/1967

Basis: Decreed

Status: Active

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/11/2019

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.360 CFS	644.8 AF
	<u>Total Diversion</u>		1.360 CFS	644.8 AF

Source and Point(s) of Diversion

GROUND WATER	SESW	Sec. 14, Twp 02N, Rge 03W,	CANYON County
GROUND WATER	SENW	Sec. 10, Twp 02N, Rge 03W,	CANYON County
GROUND WATER	NWSW	Sec. 11, Twp 02N, Rge 03W,	CANYON County

Place Of Use

IRRIGATION within CANYON 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	
02N	03W	10			16.0										21.0	40.0	29.0	37.0	143.0
02N	03W	15							19.0										19.0

POU Total Acres: 162.0

Conditions of Approval:

1. This right is a split from former right 63-32055 .
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. S39 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 or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Comments:

1. agrimm 10/20/2011 POD
PODID 682792 correlated from SpatialDataID 23868 to SpatialDataID 434022
2. cparker 1/4/2019 POU
Updated Shape

Dates and Other Information

Decreed Date: 4/29/2009
Civil Case Number: 39576
Judicial District: FIFTH
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/11/2019

Combined Use Limits
Rate

Volume

Acres
162.0

63-32330 ,63-34121



SubCase:
N/A

Water Supply Bank:
N/A



 63-34121
  Carter Portion



 Unplantable areas
  Carter Portion



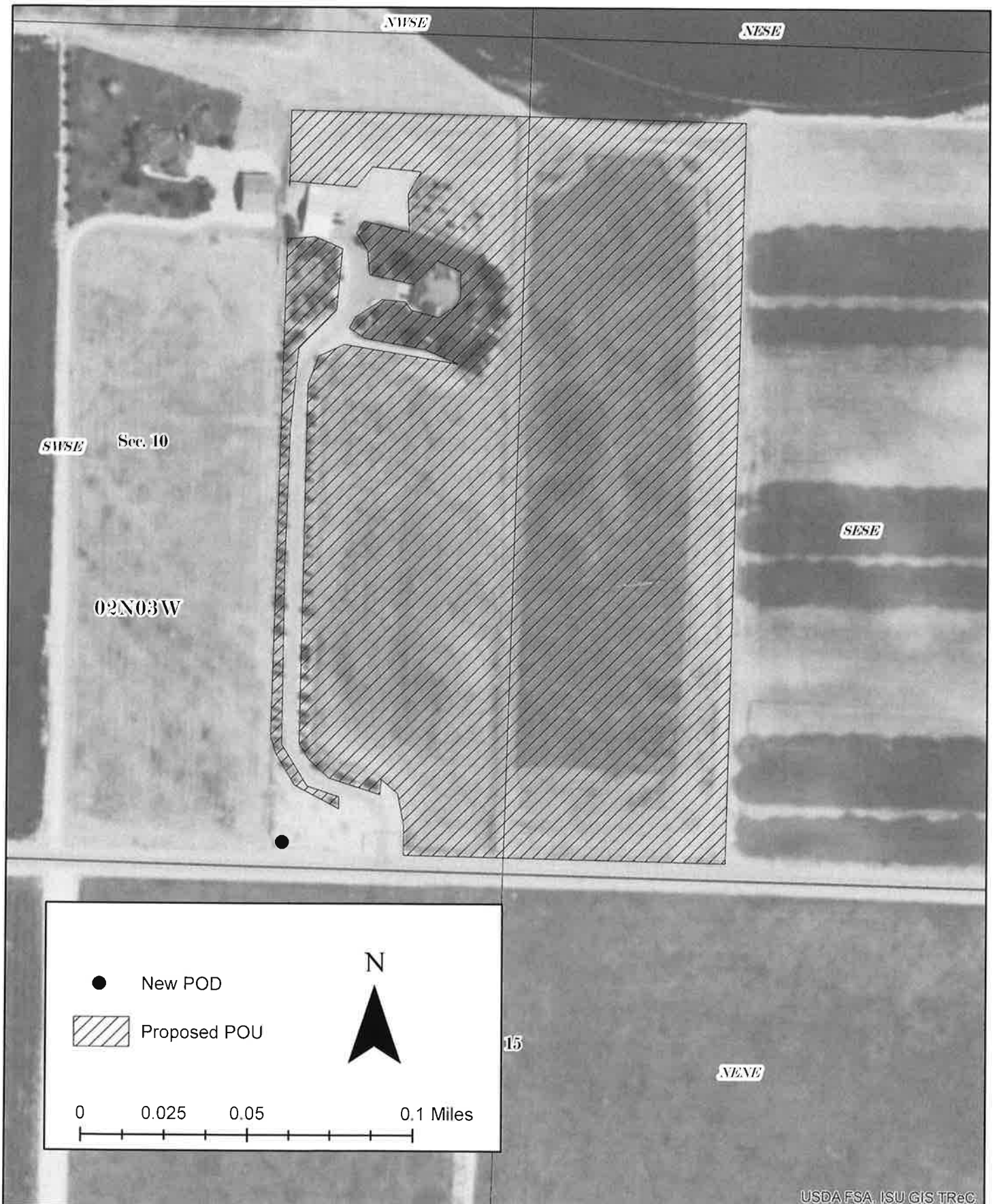
 Proposed POU

Carter Application for Transfer *Proposed acreage consolidation*



Carter Application for Transfer

*Proposed acreage consolidation
and new POD*



RECEIVED

MAY 04 2020

WATER RESOURCES
WESTERN REGION

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


I/We, Jon Carter and Tara Rose,
(Applicant's Printed Name) (Applicant's Printed Name)

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

hereby withdraw our Application for Transfer No. 82961 of Water Right

No(s). _____.

Signed this 23rd day of April, 20 20.


(Signature/Title of Applicant)

(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 13, 2020

JON CARTER
TERA ROSE CARTER
14284 LEWIS LN
NAMPA ID 83686

Re: Withdrawal of Application for Transfer No: 82961

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,

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

Kensie Thorneycroft
Administrative Assistant
Western Regional Office

Enclosures



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

JON AND TERA ROSE-CARTER
14284 LEWIS LN
NAMPA, ID 83686

COPY

Re: Application for Transfer No. 82961

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 11, 2019 regarding concerns over validity of the right. On December 16, 2019 you submitted a defense to forfeiture stating that the land has been neglected for some time and access to the new Point of Diversion (POD) is needed to resume full use of the right. 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 right being transferred have not occurred for a period of 5 or more consecutive years. If the right cannot be put to beneficial use from its original POD's, 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 right 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

December 10, 2019

Attention: Cody Parker
State Of Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

DEC 16 2019

WATER RESOURCES
WESTERN REGION

RE: Application for Transfer No. 82961

Dear Mr Parker,

Re the application referenced above, we purchased the property with appurtenant water rights, and began to resume irrigation shortly afterward.

So Far, we have irrigated 13 of the 20 acres. We are unable to gain access to the points of diversion listed on the water right, as they are on private land which is not owned by the original water right owner. The irrigation we have achieved so far is developed from the point of diversion proposed on the transfer application. We plan to resume full use as outlined in the transfer application as soon as the 2020 irrigation season.

Thank you for your assistance and consideration.

Regards,


Jonathan Carter
208-965-9552



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 11, 2019

JON AND TERA CARTER
14284 LEWIS LN
NAMPA ID 83686

RE: Application for Transfer No. 82961

Dear Applicants,

The Idaho Dept. of Water Resources (IDWR) is currently evaluating the application for transfer (no 82961) you submitted on Jan 16, 2019. As part of the evaluation IDWR must determine if the right to be changed is valid (i.e. if water has been used for the purposes outlined on the water right during the previous consecutive 5-year period).

You propose to change the point of diversion for two water rights (63-34687 and 63-34688) which were split from the parent right 63-32330 as the result of an ownership change form you submitted. The two rights combined authorize the irrigation of twenty acres. Aerial imagery from the previous five years shows that you have irrigated a total of roughly thirteen acres. This means that seven acres of irrigation are at risk of forfeiture.

For application processing to continue, you must provide a written description of how you have attempted to resume irrigation use under rights 63-34687 and 63-34688. Please submit your written reply within thirty (30) days of the date of this letter. The application will be voided without a timely written reply.

Please let me know if you have any questions. I look forward to hearing from you. Thank you for your time and your attention to these matters.

Sincerely,

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



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 29, 2018

JON CARTER
14284 W LEWIS LN
NAMPA ID 83616

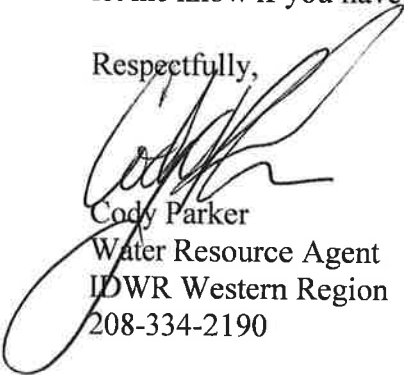
RE: Water right permit no. 63-34121

Dear Mr. Carter,

Thank you for your help June 26, 2018 with the beneficial use field examination for your water right permit (referenced above). After comparing your developed use to the permit, it appears that some of the acres of irrigation were developed in a quarter-quarter that was not described on the permit. The final water right license confirms the extent that water use has been established in compliance with the permit.

Prior to receiving a water right license, you must amend the permit to reflect the irrigation as developed. Enclosed is an Application for Amendment form. It should depict the elements of your water right as they will appear on the final license when issued. Please review the forms carefully. If you agree with the information, please sign and return the forms with the \$100 filing fee within fourteen (14) days. Please let me know if you have any questions.

Respectfully,



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