

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 84015**

This is to certify that: KEITH O NEIL HELMICK AND  
SANDRA R HELMICK  
16 E INDIAN CREEK RD  
BOISE, ID 83716-3410

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Changes**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u>       |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------------|
| 37-4403            | WR/DECREED          | 12/14/1909           | 3.580 cfs             | N/A                     | N/A               | 179.0              | MALAD RIVER, SPRING |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 37-4403               | NO           | NO         | NO         | YES            | NO                   | NO                   |

**Summary Of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 37-4403                | 37-4403                          | 3.580 cfs            | N/A                    | N/A               | 179.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>3.580 cfs</b>     | <b>N/A</b>             | <b>N/A</b>        | <b>179.0</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 23<sup>rd</sup> day of April, 2020

  
\_\_\_\_\_  
Southern Region Manager

Transfer No. 84015

**WATER RIGHT NO. 37-4403****As Modified by Transfer No. 84015**

In accordance with the approval of Transfer No. 84015, Water Right No. 37-4403 is now described as follows:

**Right Holder:** KEITH O NEIL HELMICK AND  
SANDRA R HELMICK  
16 E INDIAN CREEK RD  
BOISE, ID 83716-3410

**Priority Date:** 12/14/1909

**Source:** MALAD RIVER  
**Source:** SPRING  
**Source:** UNNAMED STREAM

**Tributary:** CAMAS CREEK  
**Tributary:** UNNAMED STREAM  
**Tributary:** MALAD RIVER

**BENEFICIAL USE**

IRRIGATION

**From** 04/15 **To** 10/31

**Diversion Rate**

3.580 cfs  
3.580 cfs

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

|                |        |                        |               |
|----------------|--------|------------------------|---------------|
| MALAD RIVER    | NESENE | Sec 31 Twp 01S Rge 11E | ELMORE County |
| SPRING         | SENESE | Sec 31 Twp 01S Rge 11E | ELMORE County |
| SPRING         | NESESE | Sec 31 Twp 01S Rge 11E | ELMORE County |
| SPRING         | NWSWSW | Sec 32 Twp 01S Rge 11E | ELMORE County |
| UNNAMED STREAM | NWSWSW | Sec 32 Twp 01S Rge 11E | ELMORE County |

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE |    |    |     | NW |    |      |    | SW   |      |      |      | SE  |    |    |     | Totals |
|-----|-----|-----|----|----|----|-----|----|----|------|----|------|------|------|------|-----|----|----|-----|--------|
|     |     |     | NE | NW | SW | SE  | NE | NW | SW   | SE | NE   | NW   | SW   | SE   | NE  | NW | SW | SE  |        |
| 01S | 11E | 31  |    |    |    | 1.3 |    |    |      |    |      |      |      |      | 9.8 |    |    | 6.9 | 18.0   |
| 01S | 11E | 32  |    |    |    |     |    |    | 11.0 |    | 36.0 | 37.0 | 38.0 | 39.0 |     |    |    |     | 161.0  |

POU Total Acres: 179.0

**CONDITIONS OF APPROVAL**

1. Rights 37-514 and 37-4403 when combined shall not exceed the irrigation of 179 acres.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37B.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.

Transfer No. 84015

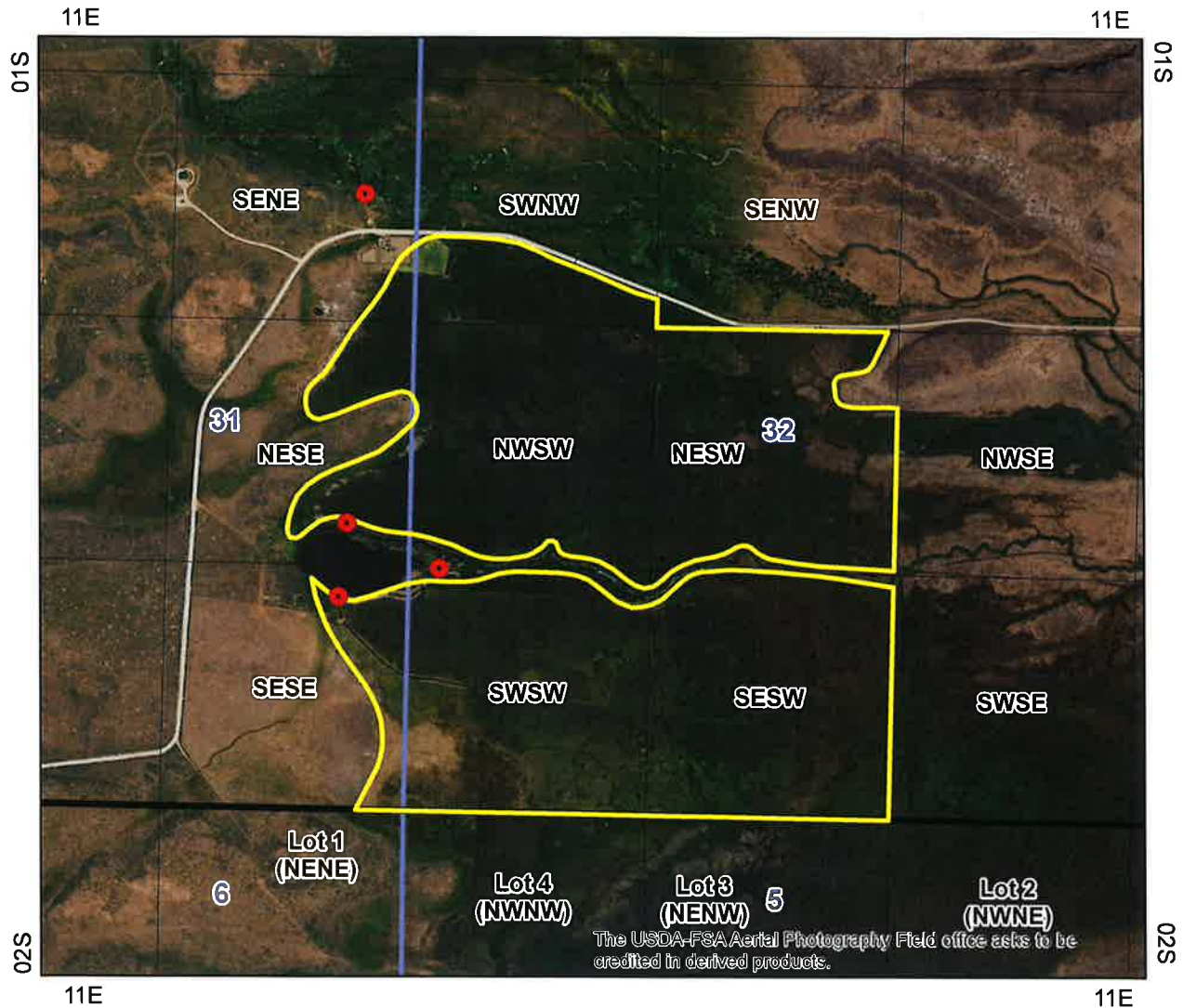
**WATER RIGHT NO. 37-4403**  
**As Modified by Transfer No. 84015**

**CONDITIONS OF APPROVAL**

4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho  
Department of Water Resources  
**Attachment to Transfer # 84015**  
37-4403

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.1 0.2 0.4 Miles



APR 20 2020

DEPT OF WATER RESOURCES  
SOUTHERN REGION

42-222 POD - 07/18

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## 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  
☐ Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. APPLICANT(S) Keith and Sandra Helmick Phone (208) 386-96792. MAILING ADDRESS 16E Indian Creek Rd City BoiseState ID Zip 83716 Email koneilh@hotmail.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) 37-4403

- ☐ 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 3.58 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.

| New? | Lot | ¼  | ¼  | ¼  | Sec | Twp | Rge | County | Source         | Local name or tag # |
|------|-----|----|----|----|-----|-----|-----|--------|----------------|---------------------|
| x    |     | NW | SW | SW | 32  | 01S | 11E | Elmore | Unnamed Stream |                     |
|      |     | NW | SW | SW | 32  | 01S | 11E | Elmore | Spring         |                     |
|      |     | SE | NE | SE | 31  | 01S | 11E | Elmore | Spring         |                     |
|      |     | NE | SE | SE | 31  | 01S | 11E | Elmore | Spring         |                     |
|      |     | NE | SE | NE | 31  | 01S | 11E | Elmore | Malad 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:

1 Foot ramped flume already installed and inspected by water master. Lockable headgate in place.

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

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  $\frac{1}{4}$   $\frac{1}{4}$  of section information. You may create a map at [idwr.idaho.gov](http://idwr.idaho.gov), Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Keith O Neil Helmick  
Signature of applicant or authorized agent

Keith O Neil Helmick  
Print name and title if applicable

4-17-20  
Date

Sandra R. Helmick  
Signature of applicant or authorized agent

Sandra R Helmick  
Print name and title if applicable

4/17-20  
Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

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

Received by DM

Date 4-20-2020

Fee paid \$50- Date 4-20-2020

Received by DM

Receipt # 5037879

Preliminary review by \_\_\_\_\_

Date \_\_\_\_\_

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

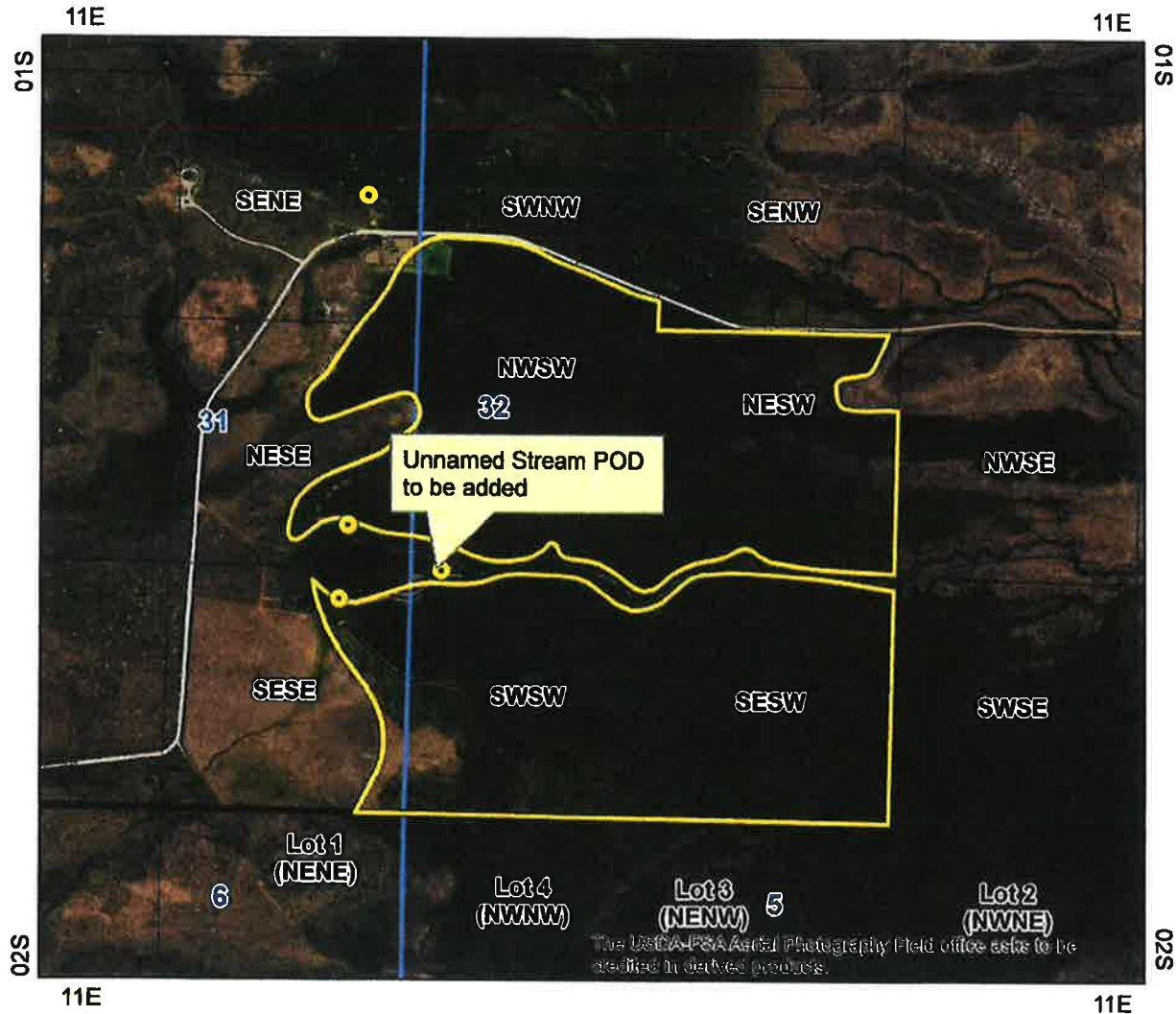
Name on W-9 \_\_\_\_\_

W-9 forwarded to fiscal? Yes ☐ No ☐

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

State of Idaho  
Department of Water Resources  
**Current & Proposed Water Right Map**  
37-4403

This map depicts the current & proposed IRRIGATION  
place of use boundary for this water right.



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

0 0.1 0.2 0.4 Miles



**TRANSFER 84015**



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

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

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

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

April 27, 2020

KEITH O NEIL HELMICK  
SANDRA R HELMICK  
16 E INDIAN CREEK RD  
BOISE ID 83716-3410

Re: Transfer No: 84015  
Water Right No(s): 37-4403

**Transfer Approval Notice**

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.



Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" written in a larger, more prominent script than the last name "Skinner".

Corey Skinner  
Southern Regional Manager

Enclosure

c:

WATER DISTRICT 37B  
RUSTY KRAMER  
246B S HWY 46  
FAIRFIELD ID 83327-5560

## CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 84015  
Water Right No(s): 37-4403

KEITH O NEIL HELMICK  
SANDRA R HELMICK  
16 E INDIAN CREEK RD  
BOISE ID 83716-3410

WATER DISTRICT 37B  
RUSTY KRAMER  
246B S HWY 46  
FAIRFIELD ID 83327-5560



Denise Maline  
Administrative Assistant

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## **CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

## Maline, Denise

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**From:** Rusty Krame <waterdistrict37b@outlook.com>  
**Sent:** Tuesday, April 21, 2020 6:14 PM  
**To:** Maline, Denise  
**Subject:** Re: Comment Letter for Helmick transfer application

Denise,  
I have been intimately involved with this application. I have no concerns or comments.

Thank you  
Water District 37B Watermaster

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**From:** Maline, Denise <Denise.Maline@idwr.idaho.gov>  
**Sent:** Tuesday, April 21, 2020 10:16 AM  
**To:** Rusty Kramer (WD 37B) <waterdistrict37B@outlook.com>  
**Subject:** Comment Letter for Helmick transfer application

Hi Rusty,

Attached please find the application for transfer for Keith & Sandra Helmick; along with a cover letter and recommendation form. Please review the information and provide any necessary comments within 14 days. *Please note, this application does not require a legal notice to be published in the local newspaper.*

Feel free to contact our office if you have any questions regarding this application.

Thank you,

Denise

Denise Maline  
Administrative Assistant I  
Idaho Dept of Water Resources, Southern Region  
650 Addison Ave W, Ste 500  
Twin Falls, ID 83301  
(208) 293-9908  
[denise.maline@idwr.idaho.gov](mailto:denise.maline@idwr.idaho.gov)



## Maline, Denise

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**From:** Maline, Denise  
**Sent:** Tuesday, April 21, 2020 11:16 AM  
**To:** Rusty Kramer (WD 37B)  
**Subject:** Comment Letter for Helmick transfer application  
**Attachments:** Transfer application 84015 for Helmick.pdf; Comment Letter to WD37B for 84015.docx

Hi Rusty,

Attached please find the application for transfer for Keith & Sandra Helmick; along with a cover letter and recommendation form. Please review the information and provide any necessary comments within 14 days. *Please note, this application does not require a legal notice to be published in the local newspaper.*

Feel free to contact our office if you have any questions regarding this application.

Thank you,

Denise

Denise Maline

Administrative Assistant I

Idaho Dept of Water Resources, Southern Region

650 Addison Ave W, Ste 500

Twin Falls, ID 83301

(208) 293-9908

[denise.maline@idwr.idaho.gov](mailto:denise.maline@idwr.idaho.gov)



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

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

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BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

April 21, 2020

WATER DISTRICT #37B  
RUSTY KRAMER  
246B S HWY 46  
FAIRFIELD ID 83327

RE: Transfer No. 84015  
Water Right No(s). 37-4403

Dear Rusty:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the water master, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

*Denise Maline*

Denise Maline  
Administrative Assistant

Enclosure(s)

## MEMORANDUM

**Date:** April 20, 2020  
**To:** Transfer 84015  
**From:** Bill Mills  
**Re:** Legal Notice Not Required

Since the application only seeks to update the records to better identify the source at the location where the water right has always been diverted and used, and there is no actual hydrologic change, the transfer was processed, and can be approved without advertising.

Legal Notice Not Required  
4/20/2020

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

## **MEMORANDUM**

**Date:** April 20, 2020  
**To:** Transfer 84015 File  
**From:** William Mills  
**Re:** Evaluation of Sufficiency of Information Submitted

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Application proposes updating the source description for a point of diversion (POD) for an irrigation surface water right, 37-4403 (3.58 cfs; 179 acres) There is no change to the physical location of the POD or the place of use (POU). Currently, the source is identified as Spring and this transfer will add a POD to the water right at that same location identifying the source as Unnamed Stream tributary to Malad River to better identify the source. The POD is located in the NWSWSW1/4 of Sec 32, Twp 01S, Rge 11E. The POD location is approximately 19.8 miles west and 3.8 miles south of Fairfield.

Overlap review indicates this 179 acre surface water right overlaps with 37-514 (Source Malad River; 3.2 cfs) which allows 160 acres of irrigation within the same 179 acre POU as 37-4403.

Since the application only seeks to update the records to better identify the source at the location where the water right has always been diverted and used, and there is no actual hydrologic change, the transfer was processed, and can be approved without advertising.

- **Authority to File:**  
IDWR records indicate the applicant currently owns the water right and properties the right is appurtenant to.
- **Water Right Validity:**  
This water right was decreed in the SRBA on 10/22/2009. Recent aerial and satellite imagery indicates the properties the water right is appurtenant to appears to be irrigated.
- **Injury to Other Water Rights:**  
None anticipated.
- **Enlargement of Use:**  
None anticipated.
- **Local Public Interest:**  
No issues anticipated.

- **Beneficial Use/Conservation of Water Resources:**  
Proposed uses are recognized as beneficial uses of water.
- **Effect on the Economy of the Local Area:**  
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**  
None Anticipated.

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



## MEMORANDUM

**Date:** April 20, 2020  
**To:** Transfer 84015 File  
**From:** Bill Mills  
**Re:** Fee Evaluation

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Filing fees charged for transfer application #84015 were based on Idaho Code § 42-221(8) which allows a \$50.00 filing fee per water right for transfer applications that only seek to change the legal description with no actual physical change to the place of use or point of diversion. Filing fee of \$50.00 paid on 4/20/2020 (Receipt No.S037879).