

OCT 17 2019

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

88701

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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) Edwin J. Brun

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

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.
- ☒ * 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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OCT 17 2019

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

WATER RESOURCES
WESTERN IDAHOName of Applicant(s) Edwin J. BrunPhone 916-425-7752Mailing address 933 Eaton Road, Weiser, Idaho 83672Email ncbrun@ncbrun.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 Dylan Lawrence, Varin Wardwell LLCPhone 208-345-6021Mailing address P.O. Box 1676, Boise, Idaho 83701Email dylanlawrence@varinwardwell

- ☒ 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

Edwin J. Brun

Print Name and Title if applicable

10-9-2019
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**.
Transfer the stockwater use to a new well drilled farther north within the same quarter-quarter section. Update GIS shapefile with location of new well for domestic use, which is still within the decreed SENESW. Because stock well is now located closer to quarter-quarter section line, need to add SENW as place of use for stockwatering.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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NOV 26 2019

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

WATER RESOURCES
WESTERN REGION

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 ☒ ☐	67-10443	0.04 cfs	Domestic	1/1 to 12/31	Groundwater
☒ ☐	67-10443	0.06 cfs	Stockwater	1/1 to 12/31	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.10 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.10 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 #
Y		NW	NE	SW	17	11N	6W	Washington	Groundwater	D0039090
N		SE	NE	SW	17	11N	6W	Washington	Groundwater	D0038227

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	
11N	6W	17								S	D,S	S							
Total Acres (for irrigation use)																			

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
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☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.10 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.06 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 #
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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	
11N	6W	17								S	D,S								

Total Acres (for irrigation use)

*SUPERCEDED BY AMENDED
PAGE RECEIVED NOV 26, 2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

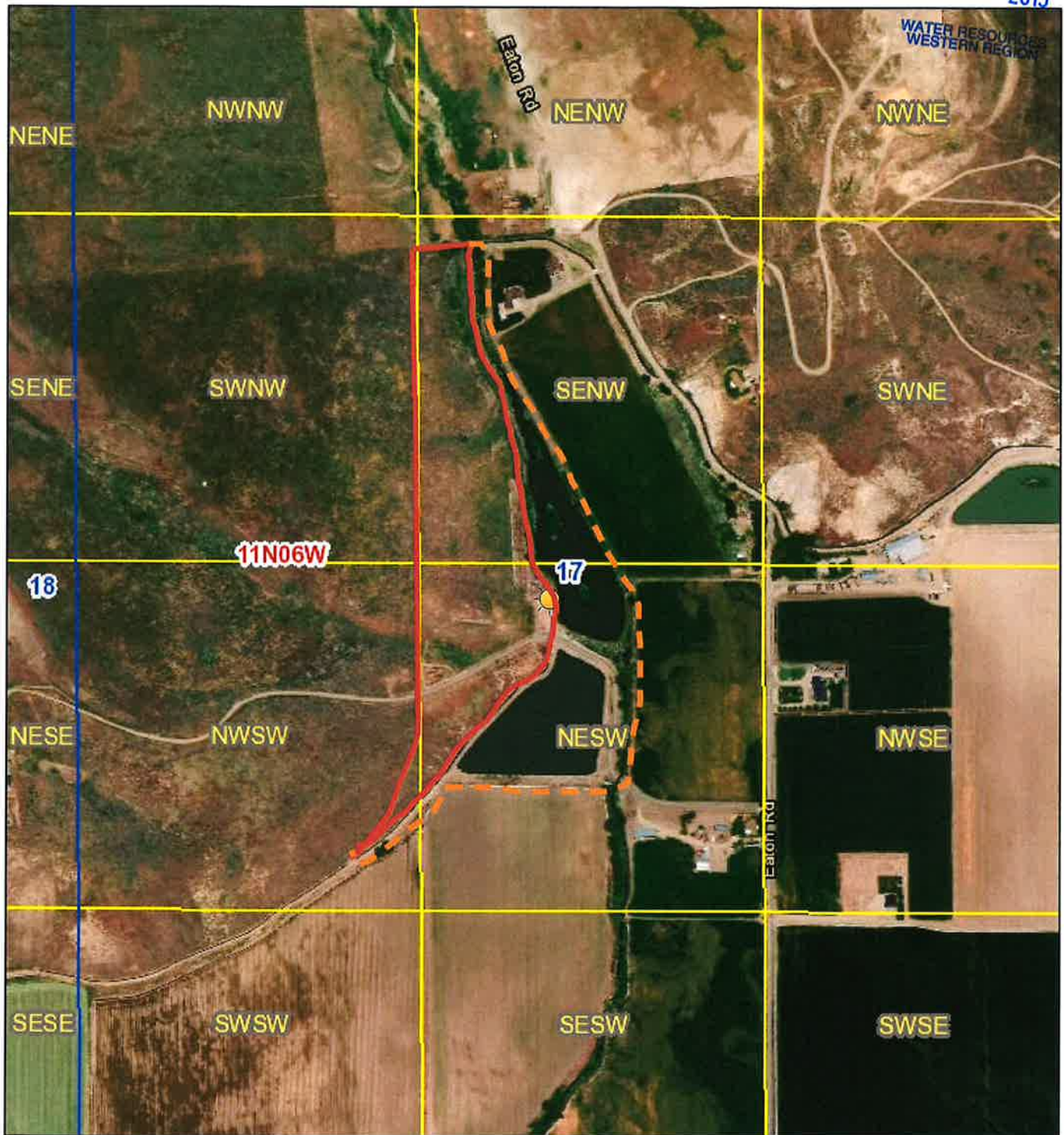
- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
44' deep groundwater well with 6" casing and lineshaft turbine pump. Measuring devices and lockable
controlling works can be installed upon IDWR 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:
N/A
- 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:
N/A
- 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:
N/A
- 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:

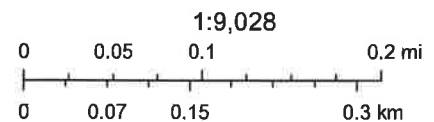
Application for Water Right

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NOV 26 2019



11/25/2019, 5:52:17 PM

- Lines
- Quarter Quarter
 - Section
 - Township/Range
 - Idaho Outline
 - Idaho Mask
- Override 1
- Override 2
- Override 1
- Counties



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Created by NRCS from 1:24,000 scale USGS topographic maps., Idaho Department of Water

Attachment #7a



9/9/2019, 2:29:59 PM

Points



Override 1



Override 2



Counties



Quarter Quarter



Section



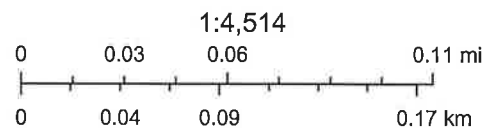
Township/Range



Idaho Outline



Idaho Mask



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Created by NRCS from 1:24,000 scale USGS topographic maps., Idaho Department of Water

Idaho Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

Brad Little
Governor

Gary Spackman
Director

December 11, 2019

EDWIN J BRUN
933 EATON RD
WEISER ID 83672

**RE: Transfer No. 83701
Water Right No. 67-10443**

Dear Applicant:

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

A legal notice of the application has been prepared and is scheduled for publication in the WEISER SIGNAL on 12/18/2019 and 12/25/2019. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

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

Sincerely,

Kensie Thorneycroft
Administrative Assistant

CC:
DYLAN B LAWERENCE

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Wednesday, December 11, 2019 10:53 AM
To: 'idahofiddler@yahoo.com'
Subject: Washington Legal Notice
Attachments: Cover Letter.docx; Legal Notice.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Legal Clerk,

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

Please see the attached ad for publication on 12/18/2019 & 12/25/2019.

Please confirm these are okay to publish as shown.

Kensie Thorneycroft
Administrative Assistant 1
Idaho Dept. of Water Resources
208-334-2190

December 11, 2019

LEGAL NOTICE DEPARTMENT

WEISER SIGNAL
PO BOX 709
WEISER, ID 83672

**RE: Transfer No. 83701,
Water Right No: 67-10443**

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 1/6/2020. Your cooperation is appreciated.

Sincerely,

Kensie Thorneycroft
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83701**

EDWIN J BRUN, 933 EATON RD, WEISER, ID 83672 has filed **Application No. 83701** for changes to the following water rights within WASHINGTON County: Right No. 67-10443; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: The purpose of the transfer is to add a new point of diversion (ground water well) in the same QQ of the current well, update the stockwater place of use, and update the location of the original point of diversion (ground water well). Water will be used at the current place of use approx. 5.5 miles northwest of the City of Weiser.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right or proposed transfer, please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 01/06/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 12/18/2019 and 12/25/2019

Novak, Shilynn

From: Dylan Lawrence <dylanlawrence@varinwardwell.com>
Sent: Tuesday, November 26, 2019 10:21 AM
To: Novak, Shilynn
Subject: Transfer No. 83701 (Brun, Edwin J.)
Attachments: 2019-11-26 Amended Application for Transfer No. 83701.pdf

Follow Up Flag: Follow up
Due By: Wednesday, November 27, 2019 10:00 AM
Flag Status: Flagged

Shilynn,

As you may recall, you sent me a letter dated October 31, 2019, requesting an updated map for the above-referenced transfer application, which we then discussed on November 8. In that regard, I have attached here an updated version of the application that includes an amended Attachment 7a generated through IDWR's mapping tool that I believe addresses your concern by outlining the specific place of use in red. The area outlined in red together with the area outlined in orange dashes constitutes the parcel of property owned by Mr. Brun. The new point of diversion is the orange sun.

As you will also see, a small amount of the property/POU crosses the line into the NWSW. The updated application attached here includes this additional POU on page 3 of the application. Our hope is that you can simply slip-sheet the updated Page 3 and map into the original version of the application already on file. However, if you need the applicant to re-send an original, signed version of the updated application, we can do that - please just let me know if that is the case.

As always, please just let me know if you have any problems with the attachment or need anything else from the applicant.

Also, since this is the first time I have emailed you, please shoot me a quick reply acknowledging receipt.

Thank you,
Dylan

Dylan Lawrence

242 N. 8th Street, Ste. 220
PO Box 1676 | Boise, ID 83701
(208) 345-6021
VarinWardwell.com



CONFIDENTIALITY NOTICE: This e-mail contains confidential information that is protected by the attorney-client privilege and/or work product doctrine. It is intended only for the use of the individual(s) named as recipients. If you are not the intended recipient of this e-mail, please notify the



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

October 31, 2019

DYLAN B LAWRENCE
VARIN WARDWELL ATTORNEYS AT LAW
PO BOX 1676
BOISE, ID 83701

COPY

Re: Transfer No 83701 – Map Amendment

Dear Applicant:

This office received a Transfer of a Water Right application for Edwin J. Brun on October 17, 2019. During the initial review of the application, it was noted the place of use (POU) is labeled but there is no POU boundary on the map.

Please submit an amended map with the new POU boundary for the stockwater use so that we may update our system with a more accurate POU. When the original water right was licensed, POU boundaries were the whole 40 acre tract. Now we specify a boundary by outlining the location where the water will be used.

Please either mail or email me an amended map within the next thirty (30) days. If IDWR does not receive your written response within thirty (30) days, the transfer will be rejected. Please contact me at this office at (208) 334-2190 or send me an email if you have any questions.

Sincerely,

Shilynn Novak
Water Resource Agent
208.334.2190
shilynn.novak@idwr.idaho.gov



DYLAN B. LAWRENCE
DYLANLAWRENCE@VARINWARDWELL.COM

242 N. 8TH STREET, SUITE 220
P.O. BOX 1676
BOISE, IDAHO 83701
P: 208.907.1529
F: 1.866.717.1758
VARINWARDWELL.COM

October 17, 2019

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OCT 17 2019

WATER RESOURCES
WESTERN REGION

VIA HAND DELIVERY

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Re: Application for Transfer of Water Right No. 67-10443 (Edwin J. Brun)

Dear Sir or Madam:

I have enclosed with this letter the following documents:

- A signed, original Application for Transfer of the above-referenced water right;
- A map depicting the location of the proposed new point of diversion and place of use; and
- A check made payable in the amount of \$200.00 to cover the processing fee.

Please process this application at your earliest convenience. If you need anything else from the applicant, please do not hesitate to contact me.

Thank you for your attention to this matter.

Sincerely,

VARIN WARDWELL, LLC

A handwritten signature in blue ink, appearing to read "Dylan B. Lawrence".

Dylan B. Lawrence

Enclosures