

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83453**

This is to certify that: JEFF JOHNSON AND/OR
MARGARET JOHNSON
23672 WALKER RD
PARMA, ID 83660

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>
65-12936	WR/LICENSE	12/1/1988	0.020 cfs	2.1 af	N/A	0.7	PAYETTE LAKE

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>
65-12936	NO	YES	NO	NO	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>
65-12936	65-12936	0.020 cfs	2.1 af	N/A	0.7	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.020 cfs	2.1 af	N/A	0.7		N/A	N/A	N/A	N/A

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 31st day of October, 2019.



Chief, Water Allocation Bureau

WATER RIGHT NO. 65-12936

As Modified by Transfer No. 83453

In accordance with the approval of Transfer No. 83453, Water Right No. 65-12936 is now described as follows:

Right Holder: MARGARET JOHNSON AND/OR
JEFF JOHNSON
23672 WALKER RD
PARMA, ID 83660-6785

Priority Date: 12/1/1988

Source: PAYETTE LAKE

Tributary: NORTH FORK PAYETTE RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/15

Diversion Rate

0.020 cfs

0.020 cfs

Diversion Volume

2.1 af

2.1 af

LOCATION OF POINT(S) OF DIVERSION

PAYETTE LAKE

L1 (NWNW)

Sec 33 Twp 19N Rge 03E VALLEY 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	
19N	03E	33						0.7											0.7
							L 1												

POU Total Acres: 0.7

CONDITIONS OF APPROVAL

1. 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. 65.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. The availability of water for this right is subject to all prior water rights of Lake Reservoir Co.
5. Place of use is located within a portion of Lots 61 and 62; Amended Payette Lake Cottage Sites.

Transfer No. 83453

WATER RIGHT NO. 65-12936

As Modified by Transfer No. 83453

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



State of Idaho
Department of Water Resources

Attachment to Water Right Transfer 83453

65-12936

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
-  Water Service Area Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.035 0.07 0.14 Miles





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

JEFF JOHNSON
MARGARET JOHNSON
23672 WALKER RD
PARMA ID 83660

Re:

**Transfer No: 83453
Water Right No: 65-12936
Transfer Approval Notice**

Dear Water Right Holders:

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) 334-2190.

Sincerely,



 Nick Miller
Regional Manager

Enclosure

CC:

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660

CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2019 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.: 83453
Water Right No(s): 65-12936

JEFF JOHNSON
23672 WALKER RD
PARMA ID 83660-6785

MARGARET JOHNSON
23672 WALKER RD
PARMA ID 83660

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660



for **Nick Miller**
Regional Manager

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.

Novak, Shilynn

From: Novak, Shilynn
Sent: Tuesday, August 27, 2019 12:01 PM
To: 'waterdist65@srvinet.com'
Subject: Transfer No 83453 Comment
Attachments: Transfer #83453.pdf; Watermaster Recommendation Form_F.PDF;
Additional_Documentation.pdf

August 27, 2019

RE: Transfer No. 83453

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced transfer of a water right. A copy of the application is enclosed with this email for your reference. Please review the application, complete the attached recommendation form, and submit your reply, if any, to this office by **September 26, 2019**.

IDWR will assume you do not object to this application if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Shilynn Novak | Water Resource Agent
Idaho Department of Water Resources
Email: Shilynn.Novak@idwr.idaho.gov
Phone: (208) 334-2190

MEMORANDUM

TO: Transfer No. 834753
FROM: Shilynn Novak
DATE: August 19, 2019
RE: **Evaluation of Application**

Klara K. and RV Hansberger are the original owners of Water Right 65-12936. With Transfer No. 83453, the original owners are seeking to complete an ownership change to reflect the new owners Jeff and/or Margaret Johnson of the property and change the point of diversion to the property. Water Right 65-12936 was previously split and the point of diversion (POD) remained on another property. This transfer proposes to disconnect from the original pump system on the other property and move the POD to the applicants' lot. The site is located approximately 3 miles north of the town of McCall, Idaho, on the west side of Payette Lake, Idaho. The original POD is located on lot 61 of the Payette Lakes Cottage Sites. The new POD location will be off shore of Lot 62 of Payette Lakes Cottage Sites.

Lori Graves of SPF Water Engineering is the representative for the transfer. Ms. Graves can be reached at 208-383-4140 or lgraves@spfwater.com.

Summary of Information Submitted

Authority to File:

The application was filed for Jeff and/or Margaret Johnson. The original owner of Water Right 65-12936 is Klara K. and R V Hansberger. A warranty deed submitted with the application shows Jeff and Margaret Johnson received the land that the water right is associated with from Hansberger LLC. An ownership change will be processed with the transfer application.

Water Right Validity:

Validity is not a concern. The water right is for irrigation of 0.7 acres on the property. Using imagery, the property is still green and shows signs that vegetation is watered.

Water Right Overlap

The new POD will be in a new location and will share the same source as other water rights in the area, but the new POD will supply water only for water right no. 65-12936. The place of use (POU) shows multiple large areas of overlap on the property, but the rights are for 1 or 2 homes and suggest none fall directly on the property. There also appears to be only one home on the property of 65-12936. This suggests that there is no POU overlap with other water rights.

Injury to Other Water Rights:

None anticipated. The location of the point of diversion will be relocated to the property that is using the irrigation and will continue to use Payette Lake as a source. The place of use will still be the same and therefore using the same amount of water as before for irrigation.

Enlargement of Use:

None anticipated. The place of use will still be the same and therefore using the same amount of water as before for irrigation. The location of the point of diversion will be relocated to the property that is using the irrigation and will continue to use Payette Lake as a source.

Changes to irrigation system or land historically used for beneficial use is not proposed to change. Right will continue to irrigate the same 0.7 acres and is limited to 0.02 cfs, 2.1 af post transfer.

Conditions granting watermaster control are being updated to match current department standards.

Local Public Interest:

No information has been made available to suggest a conflict with public interest.

Beneficial Use/Conservation of Water Resources:

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

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

Summary

Assuming other information not yet discovered does not contradict the above analysis, the application can be approved as reflected by the draft approval.