

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82713**

This is to certify that: **LITTLE WILLOW IRRIGATION DIST**
PO BOX 807
PAYETTE, ID 83661

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>
65-2149	WR/DECREED	12/29/1913	50.000 cfs	36400.0 af	2826.0	N/A	LITTLE WILLOW CREEK
65-2973	WR/DECREED	3/2/1967	110.000 cfs	1600.0 af	2826.0	N/A	INDIAN CREEK, UNNAMED STREAM

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>
65-2149	NO	NO	NO	YES	NO	NO
65-2973	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

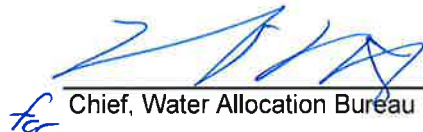
<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
65-2149	65-2149	50.000 cfs	36400.0 af	2826.0	N/A	N/A	N/A	N/A	N/A	N/A
65-2973	65-2973	110.000 cfs	1600.0 af	2826.0	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		160.00 cfs	38000.0 af	2826.0	N/A		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 28th day of August, 2019.

SUPPORT DATA

ON FILE # 65-2149



Chief, Water Allocation Bureau

Transfer No. 82713

WATER RIGHT NO. 65-2149
As Modified by Transfer No. 82713

In accordance with the approval of Transfer No. 82713, Water Right No. 65-2149 is now described as follows:

Right Holder: LITTLE WILLOW IRRIGATION DIST
PO BOX 807
PAYETTE, ID 83661

Priority Date: 12/29/1913

Source: LITTLE WILLOW CREEK **Tributary:** BIG WILLOW CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/15	to 11/15	50.000 cfs	
IRRIGATION FROM STORAGE	3/15	to 11/15	50.000 cfs	36400.0 af
			50.000 cfs	36400.0 af

LOCATION OF POINT(S) OF DIVERSION

LITTLE WILLOW CREEK	NWSW	Sec 2 Twp 08N Rge 04W PAYETTE County	(R)
LITTLE WILLOW CREEK	NWSE	Sec 12 Twp 09N Rge 03W PAYETTE County	(R)
LITTLE WILLOW CREEK	NENW	Sec 13 Twp 09N Rge 03W PAYETTE County	(R)
LITTLE WILLOW CREEK	SWNW	Sec 13 Twp 09N Rge 03W PAYETTE County	(R)
LITTLE WILLOW CREEK	NWSE	Sec 20 Twp 09N Rge 03W PAYETTE County	(R)
LITTLE WILLOW CREEK	NWNE	Sec 23 Twp 09N Rge 03W PAYETTE County	(R)
LITTLE WILLOW CREEK	NENE	Sec 30 Twp 09N Rge 03W PAYETTE County	(R)
LITTLE WILLOW CREEK	NENW	Sec 36 Twp 09N Rge 04W PAYETTE County	(R)
LITTLE WILLOW CREEK	SWSE	Sec 17 Twp 10N Rge 02W WASHINGTON County	

CONDITIONS OF APPROVAL

1. Diversion of water from the additional point of redirection authorized under transfer no. 81482, located in NENW, Sec. 36, T09N, R04W, shall not exceed a maximum diversion rate of 4.00 cfs.
2. Water diverted from the additional point of redirection authorized under transfer no. 81482, located in NENW, Sec. 36, T09N, R04W, is limited to the amount released from storage under water right nos. 65-2149 and 65-2973 and bypassed into the Little Willow Creek channel beyond each of the authorized points of redirection upstream of the additional point of redirection.
3. Diversion of water from the additional point of redirection authorized under transfer no. 82713 located in NWNE, Sec. 23, T09N, R03W, shall not exceed a maximum diversion rate of 3.10 cfs.
4. Water diverted from the additional point of redirection authorized under transfer no. 82713, located in NWNE, Sec. 23, T09N, R03W, is limited to the amount released from storage under water right nos. 65-2149 and 65-2973 and bypassed into the Little Willow Creek channel beyond each of the authorized points of redirection upstream of the additional point of redirection.

Transfer No. 82713

WATER RIGHT NO. 65-2149

As Modified by Transfer No. 82713

CONDITIONS OF APPROVAL

5. The right holder shall measure and record the flow of storage water released into the Little Willow Creek channel under this right to confirm the amount available to be rediverted at the additional points of diversion authorized under transfer nos. 81482 and 82713. Additionally, the right holder shall measure and record the quantity of storage water bypassed into the Little Willow Creek channel at each of its points of rediversion under this right as necessary to confirm the amount of water available for rediversion at the additional points of rediversion authorized under transfer nos. 81482 and 82713. The right holder shall retain measurement records and make them available to the Department upon request.
6. This right is limited to the irrigation of 2826 acres within the boundaries of the Little Willow Irrigation District in a single irrigation season. Combined right nos. 65-64, 65-2067, 65-2149, 65-2973, 65-3130, 65-3131, 65-3132, 65-3133, and 65-3134.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 and is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.
9. Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
10. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) (2003) and authorized pursuant to I.C. Section 42-1411(2)(h) (2003). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
11. 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.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 65-2149
As Modified by Transfer No. 82713

CONDITIONS OF APPROVAL

14. Pursuant to Section 42-1412(6), Idaho Code, 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.



WATER RIGHT NO. 65-2973

As Modified by Transfer No. 82713

In accordance with the approval of Transfer No. 82713, Water Right No. 65-2973 is now described as follows:

Right Holder: LITTLE WILLOW IRRIGATION DIST
PO BOX 807
PAYETTE, ID 83661

Priority Date: 3/2/1967

Source: LITTLE WILLOW CREEK **Tributary:** BIG WILLOW CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DIVERSION TO STORAGE	1/01	to 12/31	110.000 cfs	
IRRIGATION FROM STORAGE	3/15	to 11/15	110.000 cfs	1600.0 af
				1600.0 af

LOCATION OF POINT(S) OF DIVERSION

LITTLE WILLOW CREEK	NWSW	Sec 2 Twp 08N Rge 04W PAYETTE County	(R)
LITTLE WILLOW CREEK	NWSE	Sec 12 Twp 09N Rge 03W PAYETTE County	(R)
LITTLE WILLOW CREEK	NENW	Sec 13 Twp 09N Rge 03W PAYETTE County	(R)
LITTLE WILLOW CREEK	SWNW	Sec 13 Twp 09N Rge 03W PAYETTE County	(R)
LITTLE WILLOW CREEK	NWSE	Sec 20 Twp 09N Rge 03W PAYETTE County	(R)
LITTLE WILLOW CREEK	NWNE	Sec 23 Twp 09N Rge 03W PAYETTE County	(R)
LITTLE WILLOW CREEK	NENE	Sec 30 Twp 09N Rge 03W PAYETTE County	(R)
LITTLE WILLOW CREEK	NENW	Sec 36 Twp 09N Rge 04W PAYETTE County	(R)
LITTLE WILLOW CREEK	SWSE	Sec 17 Twp 10N Rge 02W WASHINGTON County	

CONDITIONS OF APPROVAL

1. Diversion of water from the additional point of redirection authorized under transfer no. 81482, located in NENW, Sec. 36, T09N, R04W, shall not exceed a maximum diversion rate of 4.00 cfs.
2. Water diverted from the additional point of redirection authorized under transfer no. 81482, located in NENW, Sec. 36, T09N, R04W, is limited to the amount released from storage under water right nos. 65-2149 and 65-2973 and bypassed into the Little Willow Creek channel beyond each of the authorized points of redirection upstream of the additional point of redirection.
3. Diversion of water from the additional point of redirection authorized under transfer no. 82713 located in NWNE, Sec. 23, T09N, R03W, shall not exceed a maximum diversion rate of 3.10 cfs.
4. Water diverted from the additional point of redirection authorized under transfer no. 82713, located in NWNE, Sec. 23, T09N, R03W, is limited to the amount released from storage under water right nos. 65-2149 and 65-2973 and bypassed into the Little Willow Creek channel beyond each of the authorized points of redirection upstream of the additional point of redirection.

WATER RIGHT NO. 65-2973

As Modified by Transfer No. 82713

CONDITIONS OF APPROVAL

5. The right holder shall measure and record the flow of storage water released into the Little Willow Creek channel under this right to confirm the amount available to be rediverted at the additional points of diversion authorized under transfer nos. 81482 and 82713. Additionally, the right holder shall measure and record the quantity of storage water bypassed into the Little Willow Creek channel at each of its points of rediversion under this right as necessary to confirm the amount of water available for rediversion at the additional points of rediversion authorized under transfer nos. 81482 and 82713. The right holder shall retain measurement records and make them available to the Department upon request.
6. This right is limited to the irrigation of 2826 acres within the boundaries of the Little Willow Irrigation District in a single irrigation season. Combined right nos. 65-64, 65-2067, 65-2149, 65-2973, 65-3130, 65-3131, 65-3132, 65-3133, and 65-3134.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 and is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.
9. Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
10. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) (2003) and authorized pursuant to I.C. Section 42-1411(2)(h) (2003). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
11. 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.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 65-2973
As Modified by Transfer No. 82713

CONDITIONS OF APPROVAL

14. Pursuant to Section 42-1412(6), Idaho Code, 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.

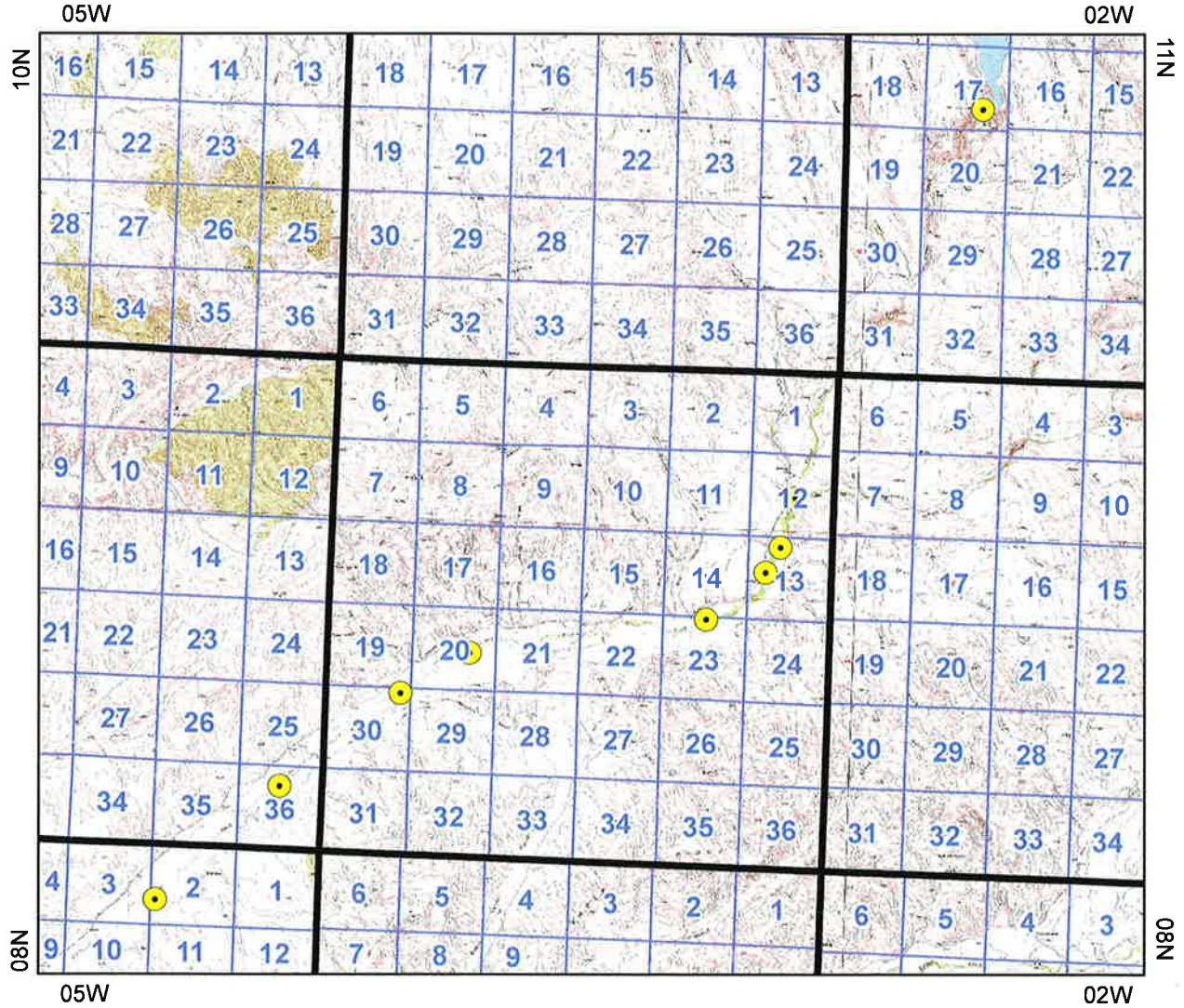


Little Willow Irrigation Dist

Attachment to Water Right Transfer 82713

65-2149 and 65-2973

This map depicts the IRRIGATION points of diversion for the water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Points of Diversion
- Townships
- PLS Sections





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

August 28, 2019

LITTLE WILLOW IRRIGATION DIST
PO BOX 807
PAYETTE ID 83660

Re: Transfer No. 82713
Water Right Nos: 65-2149, 65-2973

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

The Transfer of Water Rights 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,

A handwritten signature in blue ink, appearing to read "Anna Kaiser".

For Anna Kaiser
Nick Miller
Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on August 28, 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.: 82713

Water Right No(s): 65-2149, 65-2973

LITTLE WILLOW IRRIGATION DIST
PO BOX 807
PAYETTE ID 83660



Anna Kaiser
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.

MEMORANDUM

TO: Transfer No. 82713
FROM: Patrick Kelly
DATE: 5/2/2019
RE: Evaluation of Application

The transfer proposes to add a POD on Little Willow Creek to Little Willow Irrigation District (LWID) live and storage water rights which would deliver water to a specific water user off the creek. The transfer would reduce water diverted through the irrigation ditch but deliver water straight to H Hook Ranch. The amended transfer application would limit this diversion point to 3.10 cfs delivered directly to the pivot system.

The proposed POD site is 0.6 miles downstream of Dry Creek Road bridge, approximately 13.5 miles east of Payette, ID.

Contact person for the applicant is Dick Towner, 208-880-9399 or rtowner48@gmail.com.

In 2017, LWID filed a transfer for similar purposes to a user off of Little Willow Creek. Concerns over enlargement were found since the intent of the application is to allow more equitable distribution of water, thus increasing the water supply to crops and increasing consumption of water. This reduces the amount of water available to users downstream Little Willow Creek.

LWID does not record flow diverted from Little Willow Creek into ditches in the LWID system. Therefore, LWID cannot quantify its historical diversions of natural flow from Little Willow Creek.

Enlargement concerns still exist with the current transfer application. These concerns were expressed to Dick in an e-mail dated April 16, 2019. Mr. Towner did quickly respond to this request citing locations that are measured on the system with an intent expressed to measure at all points during the 2019 season. Bypass measurements at each diversion were not recorded in 2018. Diversion records for users in 2018 were provided. However because LWID is still not capable to distinguish live water from storage, the transfer cannot be approved for live water rights.

The Summary of Information Submitted (below) will be considered for storage water rights 65-2149 and 65-2973 only.

Summary of Information Submitted

Authority to File:

Little Willow Irrigation District filed the transfer and is current owner to the water rights listed in the application for transfer. Richard Towner signed the application. Mr. Towner is a board member according to the oath of office that was signed by the district.

Water Right Validity:

The Little Willow Irrigation District has been delivering water to its users every year to be considered during the forfeiture period. All rights presumed to be valid.

Injury to Other Water Rights:

Injury is not anticipated since the delivery of storage water is considered water already appropriated. As long as LWID can demonstrate that they are releasing storage water and diverting it to H Hook Ranch, other users on the natural system will not be affected.

Enlargement of Use:

Changes to maximum diversion volume or diversion to storage are not changing. 65-2149 and 65-2973 are still limited to the limits in place pre-transfer. H Hook Ranch is within the service boundary of the district and has historically received water from the system.

Because the transfer is not approving changes to the live water diversions, enlargement is not a concern. See above narrative or the Amended Preliminary Order Approving, in Part, Application for Transfer No. 81482 for more information regarding this topic.

Local Public Interest:

Comment letters were sent to Water District 65 Watermaster and advertised statewide. Neither a protest or comment from Mr. Shurtleff were received. For these reasons this application proposes a change consistent with the local 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.

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

Kelly, Patrick

From: Richard Towner <rtowner48@gmail.com>
Sent: Thursday, April 18, 2019 1:18 PM
To: Kelly, Patrick; Hummer, Phill
Cc: Gary Tharp; 'Pat Kelly'
Subject: RE: LWID Transfer Application
Attachments: WaterUseage2018.pdf; Measuring devices.pdf

Hi Patrick,

Attached is a summary of the water that was delivered to the shareholders in 2018. In 2018 the water flowing in Little Willow Creek at the points of diversion was not measured. New procedures are in place to measure the creek flow at all diversions beginning this year. A description of the measuring devices in place to measure the water at various places on Little Willow is attached. In addition there is a measuring device at every point where a patron removes water from one of the ditches.

Again I would like to point out that this transfer application is not to increase the amount of water delivered to H Hook, it is application to deliver part of the H Hook from the creek rather than the irrigation ditches to deliver water to a wheel line sprinkler system. The water used by H Hook will be continued to be measured at all points of usage and their total water allotment per share will be the same as all other shareholders.

Best regards,
Dick

From: Kelly, Patrick <Patrick.Kelly@idwr.idaho.gov>
Sent: Tuesday, April 16, 2019 1:55 PM
To: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>; Richard Towner <rtowner48@gmail.com>; 'Pat Kelly' <patkow2017@gmail.com>
Subject: RE: LWID Transfer Application

Good afternoon Dick,

My name is Patrick and I have inherited LWID Transfer #82713 submitted in January of this year. Digging through the backfile I have read through the Amended Preliminary Order approving, in part Transfer #81482. As I am sure you well remember, issues of enlargement arose and the approval was limited to storage water rights 65-2149 and 65-2973. In this order it was determined that an additional point of diversion would enlarge the use of water under the LWID natural flow water rights and reduce the amount of water available to water users downstream of Little Willow Creek.

A burden of proof may be resolved if LWID can quantify its historical diversion of natural flow and delivery of storage water to Little Willow Creek. Have changes to the system been made to record and measure at all of LWID points of diversion?

Transfer #81482 was approved for the storage rights with conditions that: *"The right holder shall measure and record the flow of storage water released into the Little Willow Creek channel under this right to confirm the amount available to be rediverted at the additional point of diversion authorized under transfer no. 81482. Additionally, the right holder shall measure and record the quantity of storage water bypassed into the Little Willow Creek channel at each of its points of rediversion under this right as necessary to confirm the amount of water available for rediversion at the additional point of rediversion authorized under transfer no. 81482. The right holder shall retain measurement records and make them available to the Department upon request."*

Please provide a record of all measuring devices installed on the system including type of device and specific location. Also provide measurement records for storage releases in 2018 pursuant of Transfer #81482. You may also contact me by telephone at 208-334-2190 with any questions you might have.

Sincerely,

Patrick Kelly

Water Rights Supervisor
Emergency Agency Coordinator
2735 Airport Way
Boise, Idaho 83705
o: 208.334.2190
patrick.kelly@idwr.idaho.gov

From: Hummer, Phill

Sent: Friday, April 12, 2019 2:21 PM

To: Richard Towner <rtowner48@gmail.com>; 'Pat Kelly' <patkow2017@gmail.com>

Cc: Kelly, Patrick <Patrick.Kelly@idwr.idaho.gov>

Subject: RE: LWID Transfer Application

Dick,

I am not sure what the status is because I am no longer working on that application. I have included Patrick Kelly in this email, he can give you a better timeline or can direct you to the person who is processing your application.

Phill Hummer

Water Rights Supervisor, State Office
Idaho Department of Water Resources
Email: phill.hummer@idwr.idaho.gov

From: Richard Towner [<mailto:rtowner48@gmail.com>]

Sent: Friday, April 12, 2019 1:31 PM

To: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>; 'Pat Kelly' <patkow2017@gmail.com>

Subject: RE: LWID Transfer Application

Hi Phill,

Can you give us an update on the status of the diversion application that we submitted in January?

Thank you.

Dick

From: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>

Sent: Friday, January 25, 2019 10:08 AM

To: Richard Towner <rtowner48@gmail.com>; 'Pat Kelly' <patkow2017@gmail.com>

Subject: RE: LWID Transfer Application

You can send it to the western regional office.

IDWR
2735 Airport Way
Boise ID 83705-5082

From: Richard Towner [<mailto:rtowner48@gmail.com>]
Sent: Friday, January 25, 2019 8:51 AM
To: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>; 'Pat Kelly' <patkow2017@gmail.com>
Subject: RE: LWID Transfer Application

Hi Phill,

The district will be submitting a revised application with an increased water flow. I plan on mailing the application today. What is the correct address to use on the envelope so it will go directly to you?

Dick

From: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Sent: Friday, January 25, 2019 8:41 AM
To: Pat Kelly <patkow2017@gmail.com>; Richard Towner <rtowner48@gmail.com>
Subject: LWID Transfer Application

Hi Richard and Pat,

I just wanted to check in with you guys as a follow up to our meeting the other day. We had discussed the possibility of the district submitting an amended application that changed the rate of diversion. Is this something the District still wants to do? If not I can advertise the current transfer application as is, the next advertisement period would be the first and second week of February. I would need to submit the application by next Wednesday, Jan 30th in order to have the application advertised during that period. Please let me know what the district wants to do.

Phill Hummer

*Senior Water Resource Agent
IDWR Western Region*

Email: phill.hummer@idwr.idaho.gov

Little Willow Irrigation District Measuring Devices

1. Paddock Reservoir
 - a 8' rectangular weir is used to measure the water flowing out of Paddock Reservoir
2. Little Willow Creek and Indain Creek
 - a water velocity meter, Aqua probe model 6900, is used to measure the water flow in the open channel of Little Willow Creek
3. McIntyre Canal Diversion
 - a. a 4' rectangular weir is used to measure the water in the McIntyre
 - b. a 8' rectangular weir is used to measure the water in Little Willow Creek
4. Bolton Canal Diversion
 - a. 4' rectangular weir is used to measure the water in the Bolton
 - b. 8' rectangular weir is used to measure the water in Little Willow Creek
5. Patton Canal and Nelson Diversion
 - a. a 6' rectangular weir is used to measure the water in the Nelson
 - b. a 6' rectangular weir is used is used to measure the water in the Patton
 - c. an Aqua probe model 6900 is used to measure the water in the open channel of Little Willow Creek
6. Wilson Diversion
 - a. an Aqua probe model 6900 is used to measure the water flowing through a 6' rectangular weir in the Wilson
 - b. an Aqua probe model is to to measure the water flowing through a 6' rectangular channel in Little Willow Creek

Allocation/share	WATER USED 2018									
	3									
Share Holder	Acres	Total Water	May	June	July	August	September	Total Used	Remaining	
Butler, Larry	52	156.00	15.87	25.98	31.74	34.51	0	108.10	47.90	
Calada 101 Land etc.	173.3	519.90	40.22	79.34	108.1	70.18	68.23	366.07	153.83	
Dahnke, Larry	520.9	1562.70	107.5	327.35	628.36	388.17	141.66	1593.04	-30.34	
Denig, Ray	5.44	16.32	1.59	0.4	0	0	0.4	2.38	13.94	
DLS Properties	173.6	520.80	130.91	303.27	79.34	25.79	0	539.31	-18.51	
Endrikat, Rudy	13	39.00	0	1.98	0	2.38	4.36	8.73	30.27	
H. Hook LLC	645.2	1935.60	443.11	554.98	362.18	382.81	267.77	2010.84	-75.24	
Horst, Daryl	150.8	452.40	404.23	47.64	0	0	0	451.87	0.53	
Horst, Josh	5	15.00	0	13.88	0	0	0	13.88	1.12	
Huddleston, Don	23.1	69.30	0	0	0	0	0	0.00	69.30	
Kauffman, Randy	12.4	37.20	0	37.69	0	0	0	37.69	-0.49	
Lankford, Sheena	2.3	6.90	0.99	0.56	1.75	1.03	1.19	5.51	1.39	
Little Willow Prop. Mgt.	28	84.00	0	0	0	0	0	0.00	84.00	
Mayes, Chris	2	6.00	1.59	0.4	0.75	0.52	0	3.25	2.75	
McClesky, Walt	1	3.00	0	0	0	0	0	0.00	3.00	

Morgan, Cliff	52.43	157.29	31.34	36.89	53.95	10.71	32.13	165.02	-7.73
Morganroth, Al	338.57	1015.71	0	0	591.35	460.96	0	1052.31	-36.60
Peterson, Dick	26.2	78.60	45.62	21.82	8.33	3.97	0	79.74	-1.14
Rasmussen, Mack	0.9	2.70	0	0	0	0	0	0.00	2.70
Rawlins, Aaron	1	3.00	1.03	1.19	0.75	0	0.79	3.77	-0.77
Roe, Mike	68.9	206.70	0	143.8	11.9	0	55.54	211.24	-4.54
Roland, Irene	133.3	399.90	33.72	71.8	168.6	128.93	0	403.04	-3.14
Roland, Tom	159	477.00	25.39	203.9	192.08	213.42	105.12	739.91	-262.91
Schwarz, J.G.	88.9	266.70	0	0	0	0	86.28	86.28	180.42
Semon, Gregory	3.13	9.39	0.83	0.2	0.71	0	0.4	2.14	7.25
Sherer, Bill	0.5	1.50	0	0	0	0	0	0.00	1.50
Smith, Richard	4	12.00	1.51	1.98	2.38	0	2.18	8.05	3.95
Smith, Tyson	2.7	8.10	1.19	5.55	7.14	1.59	0.99	16.46	-8.36
Stephens, Elizabeth	155	465.00	85.29	124.96	119.01	69.42	0	398.68	66.32
Tharp, Gary	4	12.00	0	0	0	0	1.98	1.98	10.02
Towner, Richard	19	57.00	7.93	23.8	1.27	19.04	0	52.05	4.95
Vick, Rick	14.27	42.81	13.49	9.92	6.35	4.36	6.94	41.06	1.75

Weber, John	5	15.00	3.97	3.97	1.98	3.97	3.97	17.85	-2.85
White, Leeman	0.7	2.10	0	0	0	0	0	0.00	2.10
Total	2885.54	8656.62	1397.32	2043.25	2378.02	1821.74	779.94	8420.27	236.35

dam starting 18250 AF ending at 7543 AF =10707 AF used

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }

County of Payette }

Dawnita Haueter

Of Payette, Payette County, Idaho, being

First duly sworn, deposes and says:

- 1) That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not party to the above entitled action.
- 2) That I am the representative of the Independent Enterprise, a weekly newspaper published in the County of Payette and State of Idaho; that the said newspaper is in general circulation in the said County of Payette, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
- 3) That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper and was printed in the newspaper proper, and not in a supplement.

That said notice was published the following:

February 6, 13, 2019

Legal # 00145

Water Right Transfer

Idaho Department of Water Resources

2735 Airport Way

Boise, ID 83705

Dawnita Haueter

State of Idaho }

County of Payette }

On this 14th day of February in the year 2019

Before me a Notary Public, personally appeared.

Dawnita Haueter, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Patrice Dobesh

Notary Public for Idaho

Residing at Payette County

My Commission expires

9-3-2019

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 82713

*JOE
AK
3/4/19*

**LITTLE WILLOW
IRRIGATION DIST, PO
BOX 807, PAYETTE,
ID 83661;** has filed
Application No. 82713 for
changes to the following
water rights within
PAYETTE, WASHINGTON
County(s): Right No(s).
65-2067, 65-2149, 65-
2973, 65-3130, 65-3131,
65-3132, 65-3133, 65-
3134, 65-64; to see a
full description of these
rights and the proposed
transfer, please see [www.
idwr.idaho.gov/apps/
wr/QueryNewTransfers/
QueryNewTransfers.aspx](http://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 intent of this transfer
application is to add one
additional point of diversion
to the natural flow and
storage water rights of Little
Willow Irrigation District.
The proposed point of
diversion is about 13.5
miles east of Payette, Idaho
along the Little Willow Rd
near the turn onto Dry
Creek Rd.

For additional information
concerning the property
location, contact Western
Region office at (208)
334-2190; or for a full
description of the right(s) or
proposed transfer(s), 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 02/25/2019. The
protestant must also send
a copy of the protest to the
applicant.

GARY SPACKMAN,
Director

Legal Number 00145
February 6, 13, 2019

RECEIVED

MAR 01 2019

WATER RESOURCES
WESTERN REGION

PATRICE DOBESH
COMMISSION NUMBER 19715
NOTARY PUBLIC
STATE OF IDAHO