

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83143**

This is to certify that: CAROL J GRAY
ROBERT D GRAY
8259 LAKE SHORE DR
NAMPA, ID 83686

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>
63-21323	WR/DECREED	3/15/1960	0.780 cfs	175.5 af	N/A	39.0	GROUND WATER
63-3031	WR/DECREED	3/14/1955	1.800 cfs	625.5 af	N/A	139.0	GROUND WATER

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>
63-21323	NO	NO	NO	YES	NO	NO
63-3031	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>
63-21323	63-21323	0.780 cfs	175.5 af	N/A	39.0	N/A	N/A	N/A	N/A	N/A
63-3031	63-3031	1.800 cfs	625.5 af	N/A	139.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.800 cfs	801.0 af	N/A	178.0		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 25th day of June, 2019.

SUPPORT DATA

ON FILE # 63-3031



Chief, Water Allocation Bureau

Transfer No. 83143

WATER RIGHT NO. 63-3031

As Modified by Transfer No. 83143

In accordance with the approval of Transfer No. 83143, Water Right No. 63-3031 is now described as follows:

Right Holder: ROBERT D GRAY AND
CAROL J GRAY
8259 LAKE SHORE DR
NAMPA, ID 83686

Priority Date: 3/14/1955

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/01

to 11/15

Diversion Rate

1.800 cfs

1.800 cfs

Diversion Volume

625.5 af

625.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NWSE

Sec 8 Twp 02N Rge 03W CANYON County

GROUND WATER

NWSE

Sec 8 Twp 02N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	8			11.0					8.0	40.0	40.0				40.0			139.0

POU Total Acres: 139.0

CONDITIONS OF APPROVAL

1. Rights 63-3031 and 63-21323 when combined shall not exceed a total diversion rate of 1.80 cfs.
2. 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.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
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.

Transfer No. 83143

WATER RIGHT NO. 63-3031

As Modified by Transfer No. 83143

CONDITIONS OF APPROVAL

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.



WATER RIGHT NO. 63-21323
As Modified by Transfer No. 83143

In accordance with the approval of Transfer No. 83143, Water Right No. 63-21323 is now described as follows:

Right Holder: ROBERT D GRAY AND
 CAROL J GRAY
 8259 LAKE SHORE DR
 NAMPA, ID 83686

Priority Date: 3/15/1960

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From
 03/01

To
 to 11/15

Diversion Rate
 0.780 cfs
 0.780 cfs

Diversion Volume
 175.5 af
 175.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSE Sec 8 Twp 02N Rge 03W CANYON County
 GROUND WATER NWSE Sec 8 Twp 02N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	8							39.0										39.0

POU Total Acres: 39.0

CONDITIONS OF APPROVAL

1. Rights 63-3031 and 63-21323 when combined shall not exceed a total diversion rate of 1.80 cfs.
2. 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.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
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.

Transfer No. 83143

WATER RIGHT NO. 63-21323
As Modified by Transfer No. 83143

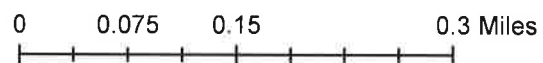
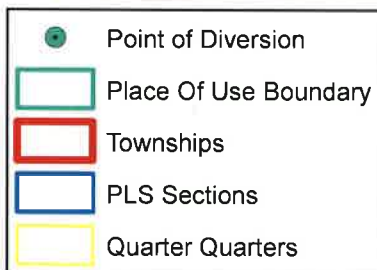
CONDITIONS OF APPROVAL

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 No. 83143
Water Right(s): 63-3031 and 63-21323

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.



State of Idaho
Department of Water Resources
Attachment to Transfer No. 83143
Water Right(s): 63-3031 and 63-21323

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 0.075 0.15 0.3 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 11 2010

WATER RESOURCES
WESTERN REGION

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 § 42-221.0.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Robert D. and Carol J. Gray Phone 208-466-2876

2. **MAILING ADDRESS** 8259 Lake Shore Dr. City Nampa

State ID Zip 83686 Email _____

- ☐ 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)** 63-3031, 63-21323

- ☒ 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 1.8 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 #
Yes			NW	SE	8	2N	3W	Canyon	Ground Water	Proposed Well
No		SE	NW	SE	8	2N	3W	Canyon	Ground Water	Existing Well

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:

14" existing well, 16" proposed well, gravity irrigation system. Measuring devices and lockable controlling works will be accommodated upon Department's request. The proposed well is also authorized for permit 63-32610.

- 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 ¼ ¼ of section information. You may create a map at 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.

Robert J. Gray
Signature of applicant or authorized agent

Robert J. Gray
Print name and title if applicable

4-5-19
Date

Carol Gray
Signature of applicant or authorized agent

Carol Gray
Print name and title if applicable

4-5-19
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, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by KT Date 4/11/19

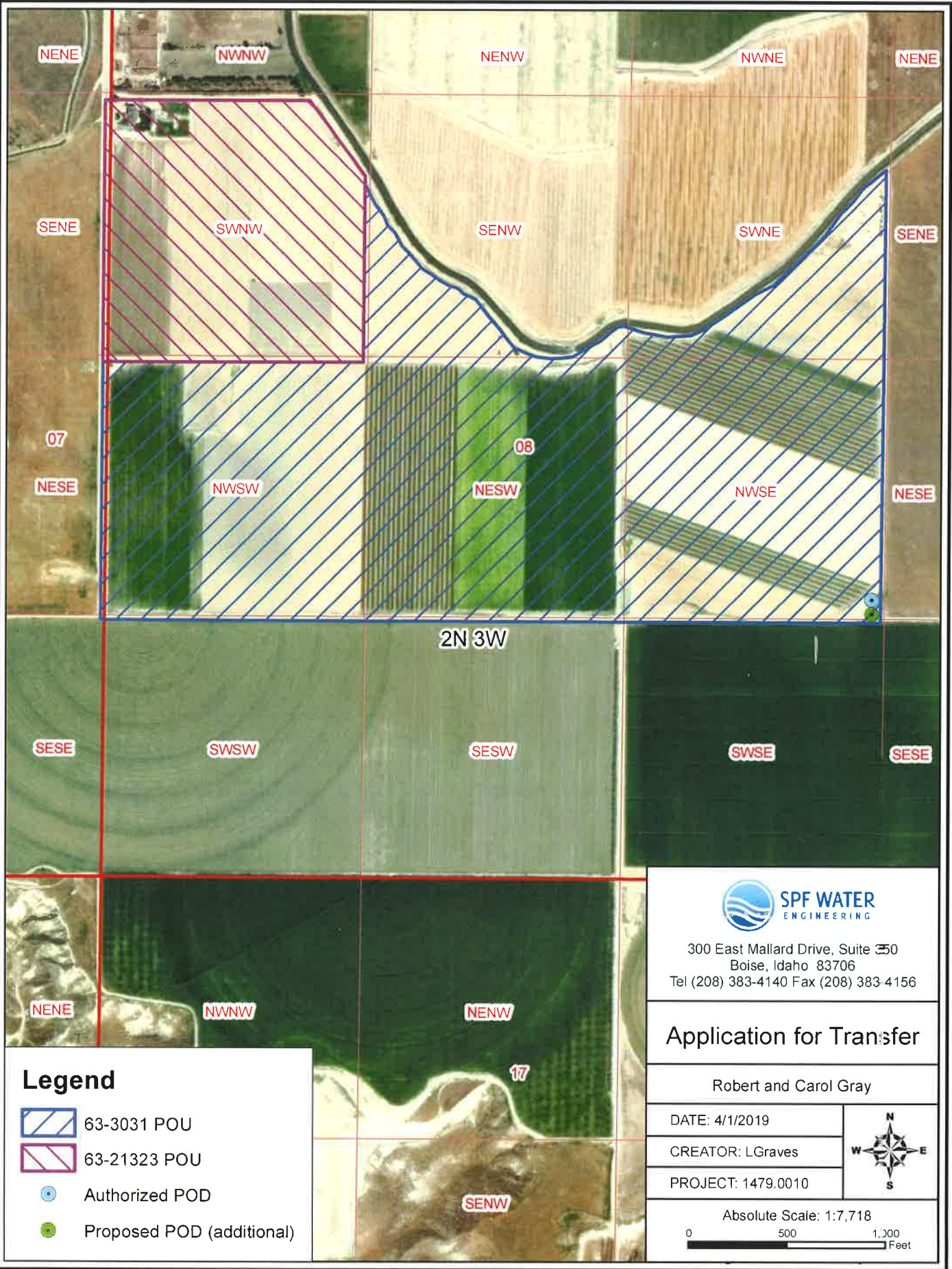
Fee paid \$50.00 Date 4/11/19 Received by KT Receipt # W047305

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)

Path: S:\PROJECTS\1479\14790010_Gray_Property\PROJECT\GIS\Map\Project\WFR Map.mxd



IDAHO Department of Water Resources



WATER RIGHT REPORT

3/30/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 63-3031

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CAROL J GRAY
Current Owner	ROBERT D GRAY 8259 LAKE SHORE DR NAMPA, ID 83686 2084662876
Original Owner	ARLENE Y LYONS
Original Owner	EARL MYRON LYONS , ID
Original Owner	DORIS E RUTHERFORD
Original Owner	HAROLD H RUTHERFORD 8277 LAKESHORE DR NAMPA, ID 83686 2084666091

Priority Date: 03/14/1955

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	1.8 CFS	625.5 AFA
Total Diversion			1.8 CFS	

Location of Point(s) of Diversion:

GROUND WATER | SENWSE | Sec. 08 | Township 02N | Range 03W | CANYON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02N	03W	8		SWNE	11									
				SENE	8									
				NESW	40		NWSW	40						
				NWSE	40									

Total Acres: 139

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E51 Right Nos. 63-3031 and 63-21323 are limited to a total combined diversion rate of 1.8 cfs.

Dates:

Licensed Date:

Decreed Date: 02/06/2009

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 1.8

State of Idaho
Department of Water Resources

Water Right
63-3031

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

03W



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

0 0.1 0.2 0.4 Miles





WATER RIGHT REPORT

3/30/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 63-21323

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CAROL J GRAY
Current Owner	ROBERT D GRAY 8259 LAKE SHORE DR NAMPA, ID 83686 2084662876
Original Owner	DORIS E RUTHERFORD
Original Owner	HAROLD H RUTHERFORD 8277 LAKESHORE DR NAMPA, ID 83686 2084666091

Priority Date: 03/15/1960

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	0.78 CFS	175.5 AFA
Total Diversion			0.78 CFS	

Location of Point(s) of Diversion:

GROUND WATER | SENWSE | Sec. 08 | Township 02N | Range 03W | CANYON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02N	03W	8		SWNW	39									

Total Acres: 39

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E51 Right Nos. 63-3031 and 63-21323 are limited to a total combined diversion rate of 1.8 cfs.

Dates:

Licensed Date:

Decreed Date: 04/03/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 1.8

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

State of Idaho
Department of Water Resources

Water Right
63-21323

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

03W



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

0 0.1 0.2 0.4 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

June 25, 2019

ROBERT D GRAY
CAROL J GRAY
8259 LAKE SHORE DR
NAMPA ID 83686

Re: Transfer No.: 83143
Water Right Nos: 63-3031, 63-21323

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".

Anna Kaiser

For Nick Miller
Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on June 25, 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: 83143

Water Right Nos: 63-3031, 63-21323

ROBERT D GRAY (Current Owner)
CAROL J GRAY (Current Owner)
8259 LAKE SHORE DR
NAMPA ID 83686



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. 83143
FROM: Allen Bradbury
DATE: 05/31/2019
RE: Evaluation of Application

Summary of Application Proposal

Narrative: This transfer proposes to add a point of diversion to water rights 63-3031 and 63-21323. The system will be comprised of a 14" existing well and a 16" proposed well feeding a gravity irrigation system.

Water right 63-3031 is a decreed right for irrigation of 139.0 acres at a rate of 1.8 cfs (volume 625.5 AF) from groundwater. Water right 63-21323 is a decreed right for irrigation of 39.0 acres at a rate of 0.78 cfs (volume 175.5 AF) from groundwater. Both water rights share the same quarter-quarter for their respective points of diversion. Also, water right 63-32610 is an active permit for domestic and fire protection use from the same quarter-quarter Township 02N, Range 03W, Section 8 SENWSE.

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.

Location of Application Proposal: The proposed and existing well sites are south of Locust Lane and West of Cool Road and 4 miles southeast of Marsing, Idaho and about 2 miles south of Lake Lowell.

Summary of Information Submitted

Authority to File: The application is in the names of Robert D. and Carol J. Gray, residing at 8259 Lake Shore Drive Nampa, ID, both applicants signed the application. Water rights 63-3031 and 63-21323 are in the name of the same persons as this transfer application. The place of use is not owned by the applicant but according to tax assessment records the parcel is owned by Breanna Dairy. This application is for a change in point of diversion and will not change the point of use.

Water Right Validity/Historical Beneficial Use:

The decree for water right number 63-3031 was issued on 2/6/2009 and for water right number 63-21323 was issued on 9/26/2006. Aerial imagery clearly shows evidence of agricultural production and irrigation at the place of use. Since evidence exists that shows irrigation occurring on the applicant's property within the last five years, the water rights are presumed to be valid at the time of this application.

Overlap Analysis: Three surface water delivery entities overlap water rights 63-3031 and 63-21323. Water right #63-8444 overlaps acres in the same Q-Q, however these are different land parcels under different ownership.

Injury to Other Water Rights: The proposed points of diversion are located within the Basin 63 Ground Water Area of Concern of South Canyon County and Groundwater Concern Area of Lake Lowell. Water right 63-3031 and 63-21323 share the same Q-Q-Q for their respective points of diversion. Also located in the same Q_Q is water right 63-32610 which belongs to the same property and is a groundwater right

for domestic and fire protection. A drillers report could not be found for the existing well. However, a well drilled under permit #887954 went 700 feet without encountering water.

Enlargement of Use: Water rights 63-3031 and 63-21323 are primary groundwater rights. This transfer proposes to only add a point of diversion. Rights 63-3031 and 63-21323 remain limited to a total diversion rate of 1.8 cfs, a total annual maximum diversion volume of 801.0 af at the field headgate, and the irrigation of 178.0 acres.

Local Public Interest: No issues were identified. It is within the local public interest to allow public properties to develop their property and use their water rights to the fullest extent which in turn benefits the public at large.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho.

Summary of Application Approval / Denial

The application is consistent with criteria of I. C. § 42-222 and should be processed. Assuming no other information contradicts the above analysis, the application can be approved as reflected by the draft approval.

63-21323

Process	Basin	Drift	Owner	Source	Use	NENE	NWNE	SWNE	SENE	NENW	NWAW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Water Right	63-136	N	BARKER ROSHOLT & SIMPSON LLP; BOISE PROJECT BOARD OF CONTROL; GIM	BOISE RIVER	POU IRRIGATION	X	X	X	X	X	X	X	X									
Water Right	63-137B	N	BARKER ROSHOLT & SIMPSON LLP; BOISE PROJECT BOARD OF CONTROL; GIM	BOISE RIVER	POU IRRIGATION	X	X	X	X	X	X	X	X									
Water Right	63-200A	N	BARKER ROSHOLT & SIMPSON LLP; BOISE PROJECT BOARD OF CONTROL; GIM	BOISE RIVER	POU IRRIGATION	X	X	X	X	X	X	X	X									
Water Right	63-233K	N	AMERICAN DITCH CO; BARKER ROSHOLT & SIMPSON LLP; BOISE PROJECT BO	BOISE RIVER	POU IRRIGATION	X	X	X	X	X	X	X	X									
Water Right	63-238BA	N	UNITED STATES OF AMERICA ACTING THROUGH	BOISE RIVER	POU IRRIGATION	X	X	X	X	X	X	X	X									
Water Right	63-251A	N	UNITED STATES OF AMERICA ACTING THROUGH	BOISE RIVER	POU IRRIGATION	X	X	X	X	X	X	X	X									
Water Right	63-301A	N	UNITED STATES OF AMERICA ACTING THROUGH	BOISE RIVER	POU IRRIGATION	X	X	X	X	X	X	X	X									
Water Right	63-302A	N	UNITED STATES OF AMERICA ACTING THROUGH	BOISE RIVER	POU IRRIGATION	X	X	X	X	X	X	X	X									
Water Right	63-373A	N	UNITED STATES OF AMERICA ACTING THROUGH	BOISE RIVER	POU IRRIGATION	X	X	X	X	X	X	X	X									
Water Permit	63-2106	N	UNITED STATES OF AMERICA ACTING THROUGH	FIVEMILE CREEK	POU IRRIGATION	X	X	X	X	X	X	X	X									
Water Right	63-32610	N	GRAY, CAROL; GRAY, ROBERT; SPF WATER ENGINEERING LLC	GROUND WATER	POU DOMESTIC			X				X	X	X	X			X				
Water Right	63-20644	N	LYONS FARMS INC; WESTERN FARMS INC	GROUND WATER	POU DOMESTIC																	
Water Right	63-20646	N	LYONS FARMS INC; WESTERN FARMS INC	GROUND WATER	POU DOMESTIC		X						X	X	X				X			
Water Permit	63-32610	N	GRAY, CAROL; GRAY, ROBERT; SPF WATER ENGINEERING LLC	GROUND WATER	POU FIRE PROTECTION			X					X	X	X	40	39					
Water Application	63-34320	N	RICHARD T RAWLINGS, SPF WATER ENGINEERING LLC	GROUND WATER	POU IRRIGATION																	
Water Right	63-10268	N	BERANNA DAIRY; CAMPBELL, SCOTT L; MOFFATT THOMAS BARRETT ROCK &	GROUND WATER	POU IRRIGATION																	
Water Right	63-21223	N	GRAY, CAROL J; GRAY, ROBERT D; RUTHERFORD, DORIS E; RUTHERFORD, HA	GROUND WATER	POU IRRIGATION							39									40	40
Water Right	63-2839	N	BERANNA DAIRY	GROUND WATER	POU IRRIGATION																40	40
Water Right	63-29025	N	BERANNA DAIRY	GROUND WATER	POU IRRIGATION																40	40
Water Right	63-3010	N	KNAPP, GLEN C; URRUTIA, CATHY; URRUTIA, GREGORY	GROUND WATER	POU IRRIGATION				40									40			80	80
Water Right	63-3031	N	GRAY, CAROL J; GRAY, ROBERT D; LYONS, ARLENE Y; LYONS, EARL MYRON; R	GROUND WATER	POU IRRIGATION		11						8	40	40				40		139	80
Water Right	63-2298	N	RAWLINGS, FRANK N; RAWLINGS, JUDITH I; RAWLINGS, RICHARD T; RAWLIN	GROUND WATER	POU IRRIGATION																40	40
Water Right	63-3329	N	BERANNA DAIRY; VANDER STELT, DARWIN	GROUND WATER	POU IRRIGATION																40	40
Water Right	63-3366	N	BERANNA DAIRY	GROUND WATER	POU IRRIGATION																40	40
Water Right	63-3396	N	BERANNA DAIRY	GROUND WATER	POU IRRIGATION																40	40
Water Right	63-8232	N	BERANNA DAIRY; VANDER STELT, DARWIN	GROUND WATER	POU IRRIGATION																40	40
Water Right	63-8253	N	BERANNA DAIRY	GROUND WATER	POU IRRIGATION																40	40
Water Right	63-8444	N	LYONS FARMS INC; WESTERN FARMS INC	GROUND WATER	POU IRRIGATION	30	38	27	2	30			30									157
Water Right	63-33251	N	BOISE PROJECT BOARD OF CONTROL	INDIAN CREEK	POU IRRIGATION	X	X	X	X	X	X	X	X									
Water Right	63-33253	N	BOISE PROJECT BOARD OF CONTROL	TENMILE CREEK	POU IRRIGATION	X	X	X	X	X	X	X	X									
Water Right	63-2392F	N	BOISE PROJECT BOARD OF CONTROL	WASTE WATER	POU IRRIGATION	X	X	X	X	X	X	X	X									

Overlapping Domestic and Fire protection

Service Area of Ditch Company overlaps with Boise River irrigation surface water

BOISE PROJECT BOARD OF CONTROL; PIONEER DIXIE DITCH CO

BOISE PROJECT BOARD OF CONTROL; NAMPA-MERIDIAN IRR DIST

BOISE PROJECT BOARD OF CONTROL; AMERICAN DITCH CO

02N03W8 63-21323 POD Overlap Analysis

Process	Basin Sequence	Draft	Owner	Source	Use	NENE	NW/NW	SENE	NENW	NW/NW	SE/NW	NW/SW	SW/SW	SESW	NESE	NW/SE	SW/SE	SESE	Total
Water Application	63-34320		RICHARD T RAWLINGS, SPF WATER ENGINEERING LLC	POD															
Water Permit	63-32610	N	GRAY, CAROL; GRAY, ROBERT; SPF WATER ENGINEERING LLC	GROUND WATER	POD									X					
Water Right	63-20644	N	LYONS FARMS INC; WESTERN FARMS INC	GROUND WATER	POD				X								X		
Water Right	63-20646	N	LYONS FARMS INC; WESTERN FARMS INC	GROUND WATER	POD														
Water Right	63-21323	N	GRAY, CAROL J; GRAY, ROBERT D; RUTHERFORD, HARRISON	GROUND WATER	POD												X		
Water Right	63-3010	N	KNAAPP, GLEN C; URRUTIA, CATHY; URRUTIA, GREGORY	GROUND WATER	POD														
Water Right	63-3031	N	GRAY, CAROL J; GRAY, ROBERT D; LYONS, ARLENE V; LYONS, EARL MYRON; RICHARD T RAWLINGS	GROUND WATER	POD			X											
Water Right	63-3298	N	RAWLINGS, FRANK N; RAWLINGS, JUDITH I; RAWLINGS, RICHARD T; RAWLINGS, RICHARD T	GROUND WATER	POD												X		
Water Right	63-8444	N	LYONS FARMS INC; WESTERN FARMS INC	GROUND WATER	POD											X			

02N03W8	63-3031	POU Overlap Analysis
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Process	Basin	Draft	Owner	Source	Use	NENE	NWNE	SWNE	SENE	NENW	NWNW	SESW	SWSW	NWSW	SESW	NESE	NWSE	SWSE	SESE	Total Acres
Water Right	63-136	N	BARKER ROSHOLT & SIMPSON LLP; BOISE PROJECT BOARD OF CONTROL; GIN	BOISE RIVER	POU	X	X	X	X	X	X									
Water Right	63-137B	N	BARKER ROSHOLT & SIMPSON LLP; BOISE PROJECT BOARD OF CONTROL; GIN	BOISE RIVER	POU	X	X	X	X	X	X									
Water Right	63-200A	N	BARKER ROSHOLT & SIMPSON LLP; BOISE PROJECT BOARD OF CONTROL; GIN	BOISE RIVER	POU	X	X	X	X	X	X									
Water Right	63-233K	N	AMERICAN DITCH CO; BARKER ROSHOLT & SIMPSON LLP; BOISE PROJECT BOARD OF CONTROL; GIN	BOISE RIVER	POU	X	X	X	X	X	X									
Water Right	63-2388A	N	UNITED STATES OF AMERICA ACTING THROUGH	BOISE RIVER	POU	X	X	X	X	X	X									
Water Right	63-251A	N	UNITED STATES OF AMERICA ACTING THROUGH	BOISE RIVER	POU	X	X	X	X	X	X									
Water Right	63-301A	N	UNITED STATES OF AMERICA ACTING THROUGH	BOISE RIVER	POU	X	X	X	X	X	X									
Water Right	63-302A	N	UNITED STATES OF AMERICA ACTING THROUGH	BOISE RIVER	POU	X	X	X	X	X	X									
Water Right	63-373A	N	UNITED STATES OF AMERICA ACTING THROUGH	BOISE RIVER	POU	X	X	X	X	X	X									
Water Right	63-2106	N	UNITED STATES OF AMERICA ACTING THROUGH	FIVEMILE CREEK	POU	X	X	X	X	X	X									
Water Permit	63-32610	N	GRAY, CAROL; GRAY, ROBERT; SPF WATER ENGINEERING LLC	GROUND WATER	POU									X				X		
Water Right	63-20644	N	LYONS FARMS INC; WESTERN FARMS INC	GROUND WATER	POU															
Water Right	63-20646	N	LYONS FARMS INC; WESTERN FARMS INC	GROUND WATER	POU															
Water Permit	63-32610	N	GRAY, CAROL; GRAY, ROBERT; SPF WATER ENGINEERING LLC	GROUND WATER	POU									X				X		
Water Application	63-34320	N	RICHARD T RAWLINGS, SPF WATER ENGINEERING LLC	GROUND WATER	POU															
Water Right	63-10268	N	BERANNA DAIRY; CAMPBELL, SCOTT L; MOFFATT THOMAS BARRETT ROCK &	GROUND WATER	POU															
Water Right	63-21323	N	GRAY, CAROL J; GRAY, ROBERT D; RUTHERFORD, DORIS E; RUTHERFORD, H	GROUND WATER	POU															
Water Right	63-2839	N	BERANNA DAIRY	GROUND WATER	POU															
Water Right	63-29025	N	BERANNA DAIRY	GROUND WATER	POU															
Water Right	63-3010	N	KNAPP, GLEN C; URRUTIA, CATHY; URRUTIA, GREGORY	GROUND WATER	POU															
Water Right	63-3031	N	GRAY, CAROL J; GRAY, ROBERT D; LYONS, ARLENE Y; LYONS, EARL MYRON; R	GROUND WATER	POU															
Water Right	63-3298	N	RAWLINGS, FRANK N; RAWLINGS, JUDITH I; RAWLINGS, RICHARD T; RAWLIN	GROUND WATER	POU															
Water Right	63-3329	N	BERANNA DAIRY; VANDER STELT, DARWIN	GROUND WATER	POU															
Water Right	63-3366	N	BERANNA DAIRY	GROUND WATER	POU															
Water Right	63-3396	N	BERANNA DAIRY	GROUND WATER	POU															
Water Right	63-8232	N	BERANNA DAIRY; VANDER STELT, DARWIN	GROUND WATER	POU															
Water Right	63-8253	N	BERANNA DAIRY	GROUND WATER	POU															
Water Right	63-8444	N	LYONS FARMS INC; WESTERN FARMS INC	GROUND WATER	POU	30	38	27	2	30										157
Water Right	63-33251	N	BOISE PROJECT BOARD OF CONTROL	INDIAN CREEK	POU	X	X	X	X	X	X									
Water Right	63-33253	N	BOISE PROJECT BOARD OF CONTROL	TENMILE CREEK	POU	X	X	X	X	X	X									
Water Right	63-3392F	N	BOISE PROJECT BOARD OF CONTROL	WASTE WATER	POU	X	X	X	X	X	X									

Service Area of Ditch Company overlaps with Boise River irrigation surface water

BOISE PROJECT BOARD OF CONTROL · PIONEER DITCH CO

	BOISE PROJECT BOARD OF CONTROL/PIONEER DIAIE DII CH CO
	BOISE PROJECT BOARD OF CONTROL - NAMPA MEDICIAN DR DIST

BOISE PROJECT BOARD OF CONTROL; NAMPA-MERIDIAN IR

Overlapping Domestic and Fire protection

Overlapping domestic and fire protection
Overlapping ground water irrigation water right

02N03W8 63-3031 POD Overlap Analysis

Process	Basin Sequence	Draft	Owner	Source	Use	NENE	NWNE	SENE	NENW	SWNW	SESW	NESE	NWSE	SWSE	SESE /	Total
Water Application	63-34320		RICHARD T RAWLINGS, SPF WATER ENGINEERING LLC	GROUND WATER	POD											
Water Permit	63-32610	N	GRAY, CAROL; GRAY, ROBERT; SPF WATER ENGINEERING LLC	GROUND WATER	POD						X					
Water Right	63-20644	N	LYONS FARMS INC; WESTERN FARMS INC	GROUND WATER	POD									X		
Water Right	63-20646	N	LYONS FARMS INC; WESTERN FARMS INC	GROUND WATER	POD											
Water Right	63-21323	N	GRAY, CAROL J; GRAY, ROBERT D; RUTHERFORD, H	GROUND WATER	POD		X									
Water Right	63-3010	N	KNAPP, GLEN C; URRUTIA, CATHY; URRUTIA, GREGORY	GROUND WATER	POD			X								
Water Right	63-3031	N	GRAY, CAROL J; GRAY, ROBERT D; LYONS, ARLENE Y; LYONS, EARL MYRON; R	GROUND WATER	POD									X		
Water Right	63-3298	N	RAWLINGS, FRANK N; RAWLINGS, JUDITH I; RAWLINS, RICHARD T; RAWLIN	GROUND WATER	POD						X					
Water Right	63-8444	N	LYONS FARMS INC; WESTERN FARMS INC	GROUND WATER	POD					X						



April 9, 2019

RECEIVED

APR 11 2019

WATER RESOURCES
WESTERN REGION

Nick Miller
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer

Dear Nick,

Enclosed on behalf of Robert and Carol Gray, is an *Application for Transfer* requesting authorization to add a second point of diversion to water rights 63-3031 and 63-21323.

Check no.19936 for \$580 is enclosed for the filing fee. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lori Graves", is written over a light blue horizontal line.

Lori Graves
Water Rights Specialist

Cc: Bernie Teunissen

Enclosures

SPF file number: 1479.0010